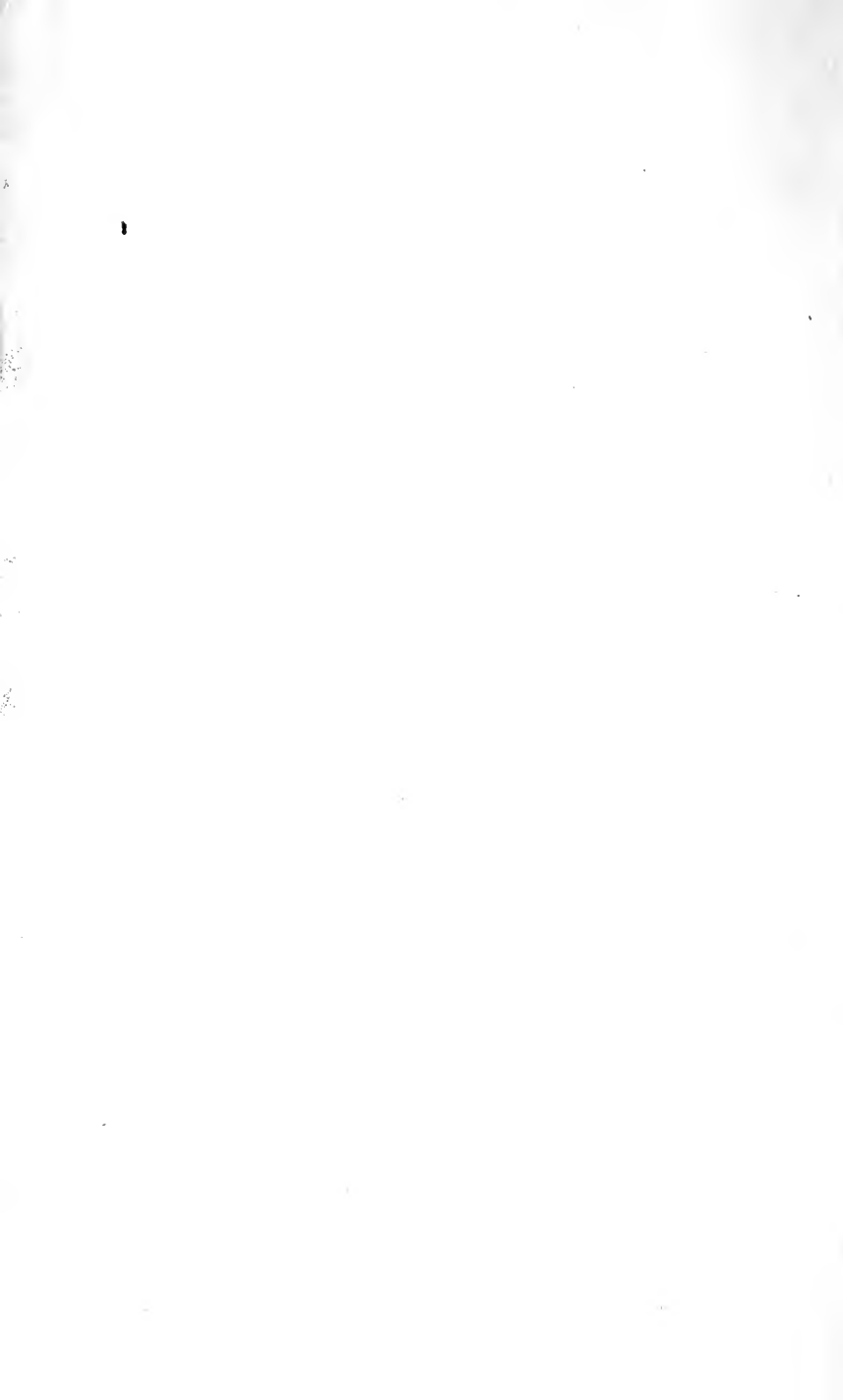






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# THE ILBERT BILL.

A COLLECTION

OF

LETTERS, SPEECHES, MEMORIALS, ARTICLES, &c.,

*STATING THE OBJECTIONS TO THE BILL.*

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## P R E F A C E.

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THE Executive Committee of the Anglo-Indian Association, which has been formed in this country for the purpose of procuring the withdrawal of the Indian Criminal Procedure Act Amendment Bill, commonly known as the Ilbert Bill, have considered it advisable to re-publish in a pamphlet form the Memorial against the Bill which was presented to the Secretary of State for India on the 26th July last, and the speeches made by the members of the Deputation on that occasion, the protest of the English Judges of the Calcutta High Court, the Petition addressed to the two Houses of Parliament by Englishmen resident in India, the Petition addressed to Her Majesty the Queen by Englishwomen in India, some of the speeches made at the meetings held in St. James's Hall and at Limehouse, and also some of the leading articles and letters which have appeared in the newspapers on the subject of the Bill. The object which the Executive Committee have in view in re-publishing these documents, is to present the arguments against the Bill in a complete form for the information of Members of Parliament and of other persons desiring to make themselves acquainted with the reasons which have led a large number of persons, of long and varied Indian experience, to regard this Bill as an unwise and uncalled-for measure.



# THE ILBERT BILL.

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LETTER FROM THE HON. MR. JUSTICE  
STEPHEN, K.C.S.I.,

*Formerly Legal Member of the Council of the Governor-General in India, and now a Judge of the High Court of Judicature in England.—Times, March 1, 1883.*

—o—

SIR,—As I was the principal author of the measure as to criminal procedure in regard to Europeans in India, which it is now proposed to alter, and as I observe that my name has been mentioned on several occasions in the discussions on the alterations now proposed to be made, you will, perhaps, allow me to give some explanations on a subject which is very imperfectly understood in England.

In this, as in most other cases, it is necessary to understand the history of the law in order to appreciate its present condition and the changes proposed to be made in it. The present criminal law of India has grown from two distinct roots, the Mahomedan law and the law of England. The Mahomedan law was introduced by the Mogul conquerors, and was found in force by the English when our power was first established in India. It was administered at first by native Courts, more or less under English superintendence. English magistrates and judges, assisted by Mahomedan law officers, were afterwards substituted for the native judges, and as experience accumulated, the system of local courts now existing all over India was slowly elaborated. It consists of a High or Chief Court in each province, a Sessions Judge, in some cases assisted by additional or joint Sessions Judges, and magistrates of various grades, with carefully-

defined powers, in each district. The High or Chief Court is the ultimate Court of Appeal; the Sessions Judges may be compared to our Assize Courts; magistrates of the first class can sentence up to two years' hard labour, and those of the second and third classes have similar but less extensive powers. These are the Courts by which the old Indian Criminal Law—namely, the Mahomedan law, modified in many ways by Regulations and Acts of the Indian Legislative bodies, and some principles and definitions introduced from the law of England—was administered down to the year 1861.

Side by side with them existed the Courts which administered the criminal law of England to European British subjects. In a very few words, their history was as follows:—Mayors' Courts were established in Calcutta, Madras, and Bombay far back in the 18th century. They were succeeded by the Supreme Courts, afterwards established in the same places, and for these in 1861 were substituted the present High Courts, a fourth High Court being added at Agra, which was afterwards removed to Allahabad. These Courts, by the combined effect of the Acts which established them, and the Charters which were granted under powers given by the Acts, exercised over European British subjects throughout the provinces in which they were situated, the powers of the Court of King's Bench in England. They were originally intended as a check, in the interest of Europeans resident in India, upon the great powers conferred upon the Governor-General, and Governors in Council. It would be impossible to explain fully how important this function was, without giving an account of the legislative and executive powers of the governing bodies of British India; but I may say that the existence and the full efficiency of these Courts have always been regarded by Europeans in India, and particularly by non-official Europeans, as their strongest and best security for the maintenance, as regards themselves, of the general principles of government to which they are accustomed in England. The Mahomedan Criminal Law was never at any time applied to the European British subjects. The Supreme and the High Courts, in their original criminal jurisdiction, administered the criminal law of England, with certain modifications, according to the English system of criminal procedure.

For a long time the Courts I have named, were the only Courts in India which had jurisdiction over Europeans, though the Chief Court of the Punjab and the Recorders'



Courts in Burmah afterwards received such jurisdiction. Certain magistrates, distinguished as justices of the peace, had, however, power to fine Europeans up to Rs. 500 for petty offences.

In 1861 the Penal Code, passed in 1860, became law, and superseded both the criminal law of England as concerned Europeans and the modified Mahomedan law as concerned natives throughout India ; but the procedure and jurisdiction of the Courts remained unaltered till long afterwards, though in 1861 a code of criminal procedure which did not apply to the High Courts, and consequently not to the trial of Europeans, was enacted for the regulation of the proceedings of the district Courts.

In this state of the law the position of European British subjects undoubtedly did constitute a serious practical grievance. In the remoter parts of the country they nearly enjoyed something equivalent to impunity in criminal cases which were not of sufficient importance to attract special attention. The expense and delay of procuring a trial at Calcutta for an offence committed, say, in a tea plantation in Assam, practically prevented prosecutions. This grievance was more and more strongly felt as the growth of trade and the use of English capital in railways, plantations, and other things introduced into India a large number of Europeans of a class likely to commit crimes.

In 1872 the Code of Criminal Procedure, passed in 1861, was re-arranged, re-enacted, and in some particulars amended. One of the most important of the amendments related to European British subjects. The matter was very carefully considered, and the leading representatives of the unofficial European population were consulted upon the views which had either occurred or been suggested to me ; I, as legal member of Council, having charge of the Bill. The scheme proposed and adopted was this :—Magistrates of the first class, being European British subjects and justices of the peace (*i.e.*, being specially authorized), were empowered to sentence European British subjects up to three months' imprisonment and a fine of Rs. 1,000. Sessions Judges, being European British subjects, were empowered to sentence them up to twelve months' imprisonment and a fine. In more serious cases European British subjects were to be tried by the High Courts, the Chief Court of the Punjab, or the Recorders' Courts in Burmah. This great innovation upon the law as it had existed up to that date—that is to say, for more than a century—was based on the following considera-

tions:—To have subjected Europeans unreservedly to the jurisdiction of the district Courts would have been, and would have been felt to be, an intolerable hardship. They had never been subject to the district Courts. They had up to that time been entitled in all cases to trial by jury in what were substantially English Courts, established principally for the express purpose of making their persons and property secure, and they regarded these privileges, together with the protection of their personal liberty supplied by the power of the High Courts to issue writs of *habeas corpus*, as their great safeguards against official oppression, and also against the far more serious danger of persecution by false accusations on criminal charges in a country where such accusations are the commonest methods of revenge and extortion. On the other hand, it seemed, and no doubt it was, both a grievance and a scandal that the large and increasing European population, established in various parts of the country, should practically enjoy impunity for nearly all their crimes. It was thought that the remedy provided by the Bill of 1872 would remove the real grievance upon the natives without introducing a new grievance to the Europeans. The code gave an efficient and somewhat summary form of trial, generally speaking, without a jury, for what, speaking roughly, might be compared to cases cognizable in England under the Summary Jurisdiction Acts and at the Quarter Sessions, and it left the jurisdiction of the High Courts in more serious cases as it always had been.

It is, no doubt, contrary to some notions current in England to make distinctions between the criminal liability of different classes of persons, though even here the principle that a man should be tried by his peers, and that application of it, which in cases of treason and felony gives a special tribunal to peers of the realm, form part of the law of the land. In other parts of the world the principle is far more extensively acted upon. Special tribunals for Europeans exist in China and Japan, in Turkey, and in Egypt, and there is probably no part of the world in which there are so many personal laws as in India. Not only are Hindoo and Mahomedan law administered by every court in India in all cases connected with inheritance and many other subjects, but even in criminal matters the feelings of the natives and their practices as to personal appearance and the giving of evidence in public are studiously respected. If the wife of the Viceroy had to testify, she would have to do so in a manner from which a Mahomedan married woman of low rank would be

excused. I should doubt if there was any part of the world in which the common sentiment of the bulk of the population would acquiesce so naturally in the notion that Englishmen must be tried by men of their own race and colour.

As to the practical success of the system thus established two remarks will be sufficient. In the first place, the Code of Criminal Procedure of 1872, after having been in force for ten years, was last year re-enacted and extended in its operation to the High Courts, which had previously had their own procedure. A variety of alterations and amendments were introduced into the new measure, which in the ordinary course must have been submitted for their remarks to the different local Governments, but the part of the code which related to European British subjects was re-enacted without any alteration of importance, and the new code came into force on the 1st of January, 1883. Why it should be considered necessary to amend in 1883 a Bill which had been carefully considered and re-enacted in 1882, I am at a loss to imagine. This in itself seems to show that there can be no solid practical reason for the change proposed to be made.

In the second place, even stronger evidence on this subject is supplied by the nature of the proposed change. It is one of those changes which condemn themselves. What is proposed, as I gather from the telegrams and the reports in your columns, is not to abolish the distinction between Europeans and natives, so as to introduce substantial equality between them in the matter of criminal justice, but to modify a privilege which in all its main features is to be maintained. The exclusive jurisdiction of the High Courts, the Sessions Judges, and the first-class magistrates over European British subjects is still to be maintained. The Judge who can sentence a native to death is still to be unable to sentence an Englishman to more than a year's imprisonment; the magistrate who can sentence a native to two and in some cases to seven years' imprisonment is still to be confined to three months in the case of an Englishman; the course of appeal is still in certain respects to be different; the High Courts are still to have exclusive jurisdiction over Europeans in all cases requiring more than a year's imprisonment, but henceforth a native Sessions Judge or a native magistrate is to be allowed to try Europeans, who can at present be tried only by Europeans. This is called removing anomalies. It seems to me to be a measure which from the point of view of its originators is worthless, for it does not produce

uniformity or anything the least like it, while from the point of view of those who oppose it, it is most formidable ; for, except as an assertion of the false and infinitely dangerous principle that no legal distinctions at all ought to be recognized between Europeans and natives in India, the change has no value and no meaning.

To consider the matter on its immediate merits, and apart from the larger principles which it involves, I may observe that it is a question on which official and unofficial Europeans in India take very different views. There was ten years ago, and I have every reason to believe that there still is, in India an appreciable degree of jealousy between the official and non-official Europeans. The official European is practically in no danger of criminal prosecutions, and has never quite lost the feeling that the Supreme Courts and their successors, the barrister Judges of the High Courts, who are in some sort the representatives of the privileges of unofficial Europeans, are more or less intruders on the authority of the civilians who are the representatives of the servants of the Company. The very change which is now proposed was proposed by eminent members of the Civil Service in 1872, though on different principles, and in a totally different spirit from that in which it seems to have been introduced on the present occasion. Nothing was then said as to the removal of anomalies, nor was there at that time any apparent disposition on the part of the Government to attempt to put Europeans and natives on an equality. The proposal was, however, rejected on account of the strong feeling on the subject of the non-official Europeans.

Both my Indian and my English experience lead me to sympathize strongly in this matter with the non-official Europeans. It seems to me most right and natural for any one accused of a crime and about to be tried by a Judge who decides both on the fact and the law, to wish to be tried, if possible, by a man of his own race and colour, who speaks his own language, and presumably enters into and understands his feelings. An Englishman in India is a foreigner in a strange country, and I can hardly imagine a more distressing position than that, say, of a railway guard, who, having misconducted himself when drunk, is brought up to be tried before a man who has no sort of knowledge of him or sympathy with him, and only half understands him. If it is said that a Native before an English Judge is equally ill off, it is hardly true, for every effort is made to familiarize English Judges with both the language of the country and

the character of the Natives, whereas Natives have no familiarity at all with the character of the lower class of English, and few know our language well enough to administer justice in it. In so far, however, as the observation is true, it proves too much, for it is based upon a defect inseparable from the existence of the British power in India.

It has been observed in many articles, some published in the *Times*, that if the Government of India have decided on removing all anomalies from India, they ought to remove themselves and their countrymen. Whether or not that mode of expression can be fully justified, there can, I think, be no doubt that it is impossible to imagine any policy more fearfully dangerous and more certain, in case of failure, to lead to results to which the Mutiny would be child's play, than the policy of shifting the foundations on which the British Government of India rests. It is essentially an absolute Government, founded, not on consent, but on conquest. It does not represent the Native principles of life or of government, and it can never do so until it represents heathenism and barbarism. It represents a belligerent civilization, and no anomaly can be so striking or so dangerous as its administration by men who, being at the head of a Government founded upon conquest, implying at every point the superiority of the conquering race, of their ideas, their institutions, their opinions, and their principles, and having no justification for its existence except that superiority, shrink from the open, uncompromising, straightforward assertion of it, seek to apologize for their own position, and refuse, from whatever cause, to uphold and support it. I should be sorry to say a word which could embarrass any Viceroy in the discharge of the weightiest and most delicate duties which can be imposed on any of Her Majesty's subjects; but much of the language lately held as to local government, education, and some other subjects has filled me, as to my knowledge it has filled others who are interested in India, with apprehension, and I do not in the least wonder that the Europeans in India see in the proposed change about criminal procedure a symptom, all the more formidable because in itself it is slight and utterly needless, of a determination to try to govern India upon principles inconsistent with the foundations on which British power rests.

I am, Sir, your obedient servant,

J. F. STEPHEN.

## MEETING IN ST. JAMES'S HALL.

—o—

*On the 24th June a large meeting of Anglo-Indians was held in St. James's Hall for the purpose of concerting and adopting such measures as might be deemed advisable in order to obtain the withdrawal of the Indian Criminal Procedure Bill. The attendance was large ; all the seats were filled, and many had to stand. The Chair was taken by Sir Alexander Arbuthnot, K.C.S.I., C.I.E., late member of the Supreme Council of India. The following speeches, among others, were made at the meeting.*

Sir ALEXANDER ARBUTHNOT, who opened the proceedings, said they had met together for the purpose of expressing their opinion on a Bill now pending before the Council of the Governor-General of India, under which it was proposed to deprive English men and English women in that country of the immunity which they had hitherto enjoyed from the jurisdiction in criminal matters of Native judges and magistrates, and for the purpose of framing a representation such as it might be hoped would induce Her Majesty's Government to consider the expediency of ordering the withdrawal of a measure which nearly all Englishmen who knew India believed to be highly prejudicial to the best interests of that country. (Cheers.) It was impossible, he thought, to exaggerate the gravity of the present crisis. The widespread excitement and agitation which had been caused by the introduction of this measure, and the antipathies of race which it had evoked, had wrought an amount of mischief

which it would take years of wise and prudent statesmanship to undo. (Hear, hear.) And mischievous as the introduction of this Bill had been, and bitterly as those who brought it forward must repent of their temerity, it was certain that the evils of proceeding with the Bill would be far greater, for it would establish a permanent cause of antagonism between our countrymen and their native fellow-subjects. (Cheers.) The objections which Englishmen felt in connection with this measure were not a mere passing gale, which, as soon as it passed, would leave behind it a serene and peaceful atmosphere. The reasons urged against it were not reasons of a temporary character, which would diminish in weight as time went on; for it was perfectly certain that this Bill, if it became law, would intensify those antipathies of race which it was the province of every wise statesman to diminish. (Cheers.) This was the view which was held by the great majority of those who had lived and served in India, and it was the view, he believed, of all of those whom he was then addressing. He did not wish to overstate the case. The admission of Natives into the Civil Service under the competitive system, and the appointment of Natives to posts hitherto reserved for that Service under the operation of the Act of Parliament passed in 1870, naturally had a tendency to raise this question of jurisdiction; but when the question was raised in 1872 it was then settled that it was not expedient to subject Englishmen to the jurisdiction of native criminal Courts—(hear, hear)—and their contention was that that decision was a wise decision, and that no sufficient grounds had been adduced for rescinding it. He would not stay to review in detail the objections which attached to this measure, the weakness of the arguments which had been adduced in its support, the absence of any genuine demand for it in the first instance on the part of the great body of the Native community—(cheers)—the needlessness of the measure upon administrative grounds, or the rashness which characterised its introduction. These topics would be fully and ably dealt with by the speakers who would follow him, and, he was sure, would be treated with that moderation and with that regard for the feelings and susceptibilities of the natives of India which was almost invariably the result of a lengthened residence in that country and of intimate knowledge of its people and of the many good qualities which they possessed. (Cheers.) For his own part, if he might refer for one moment to his personal position in this matter, he wished to say that

when the Provisional Committee did him the honour of requesting him to occupy the chair on that occasion, he was, in complying with that request, largely influenced by the reflection that it might not be altogether inexpedient that this duty should be discharged by one who during a great part of his official life was employed in directing and pressing forward Native education—(cheers)—and to whom it had been sometimes imputed that he sympathized unduly with the aspirations, as he thought the just aspirations, of Native officials for advancement in the public service. For he contended that it was perfectly compatible with the most friendly sentiments towards the Natives of India, and with a sincere recognition of the policy and of the justice of rewarding eminent Natives of proved merit and ability and of tried integrity, to concede to them a larger share in the government of their country, while at the same time resisting a proposal such as this, subjecting English men and English women to the jurisdiction of Native Criminal Courts. (Cheers.) There were two allegations which had been made in connection with this matter, and on which he desired to say a few words. In the first place, it was alleged that the opposition to this measure was entirely or mainly confined to unofficial persons, and that the majority of the officials in India and many of the best Indian officials in this country approved of the Bill. In the second place, it was asserted that this opposition was at variance with the views held by some of the greatest Indian statesmen of past times. With regard to the first of these allegations, he thought that this meeting, and the long list of officials and retired officials, many of them men who have served in the highest positions, which had appeared during the last few days in the London newspapers, was a sufficient refutation—(hear, hear)—to say nothing of the information which was coming in from week to week, and which was corroborated by a telegram only published that morning, showing that a large proportion—indeed, an enormous majority—of the officials now serving in India, had joined in the opposition to the measure. (Cheers.) Before him and around him were many distinguished men, representatives of all branches of the Indian Service—men who had served as Chief Commissioners of important provinces, members of Council, secretaries to Government, political officers of various grades, military officers in large numbers, judges, collectors, and magistrates, medical officers, engineers, educationists, not to mention the many able men who, though not in the official service of the State,



had in commerce and in the learned professions done much to further the moral and material improvement of the Empire of India. (Cheers.) This movement was shared in by men who left India many years ago, and by men who left it, as it were, but yesterday, all inspired by a common conviction that this measure was wrong, and dangerous, and incompatible with our holding our true position in India. (Cheers.) And if this opinion was shared by Anglo-Indians, who left India a quarter of a century ago, by men who left but recently, and by numbers of men who were living and working there at the present moment, assuredly there was cause for urging upon her Majesty's Government the grave impolicy of allowing this Bill to proceed. (Cheers.) The second allegation was that the opposition to the Bill was at variance with the views entertained by some of the greatest men of past times, and in support of this assertion passages had been quoted from writings by Sir Thomas Munro and Mr. Elphinstone, to show that if they had been living at the present day, they would have been supporters of Mr. Ilbert's Bill. He thought that this was a most complete mistake. It was, of course, impossible to assert with perfect certainty what would have been done or said by men who lived half a century ago, had they survived to the present time. But from what he knew of the writings of those men, from what he had learned of the character of the work which they did, it seemed to be in the last degree improbable that they would have so belied themselves as to support such a Bill as this. Both these men held most liberal views on the subject of advancing Natives in the public service as they became qualified for higher posts, but they both attached a paramount importance to the policy of maintaining the position of Englishmen in India as the dominant race. It was impossible to read Sir T. Munro's famous minute on the Indian Press—where he says:—"I cannot view the question of a free Press in this country without feeling that the tenure with which we hold our power, never has been, and never can be, the liberties of the people"—and not to feel a tolerable certainty that had he had a vote on this occasion it would have been on the side that meeting took. As to Mr. Elphinstone, there was in one of his papers a passage which, it so happened, bore indirectly upon this question, and showed very plainly what his opinion would have been. In a paper which he wrote in the year 1832, some years after he had left India, on the subject of permitting Europeans, who at that time required a license to live in India, to reside in that

country, Mr. Elphinstone said :—" Europeans, of course, could only hold lands on the tenures already established, and the only remaining difficulty I apprehend in the suggested increase to their numbers would arise from the manner in which they would be made responsible to justice. The extension of English law is very objectionable, and placing the Europeans under Native law would indirectly lead to the same result. In a choice of difficulties I think it would be preferable to increase the powers of local magistrates in some degree, still continuing to apply the English law to Europeans, and leaving all capital or very serious causes to be tried, as at present, by the Supreme Court." But Munro and Elphinstone were not the only distinguished men whose opinions might be cited in opposition to this Bill. All Anglo-Indians honoured the name of Metcalfe, and among Lord Metcalfe's published writings there was a passage which bore upon this question. In an important minute which he wrote, when a member of the Supreme Council, upon the administration of justice in India, he distinctly stated that it was " highly expedient to secure to British subjects as much as possible the enjoyment of their own laws, and always the right of trial by jury in criminal cases, extending the same right to Native subjects as soon as it could be done with the prospect of benefit, and securing to them also their own laws and usages"—thus emphatically recognizing that, in this matter, distinctions of race could not be entirely ignored. There was another authority he should cite. No Indian name in recent years was more deservedly honoured than the name of Lawrence. What was Lord Lawrence's view as to the true position of the British Government in relation to the people of India? This he expressed in a paper which he wrote very shortly after the quelling of the Mutiny:—

"Placed, as we are, widely separated from the Constitutional Governments of England or America, our Government is established, as all Governments should be, for the good of the people; but while in their case the popular will is generally taken as the criterion of the public good, that is not always the case in India. We are not elected or placed in power by the people. We are here by our moral superiority, by the force of circumstances, and by the will of Providence. These alone constitute our charter of Government in India, and in doing the best we can for the people we are bound by our conscience, not theirs." (Cheers.)

It would be difficult to describe in clearer or weightier words the true position of the Government of India in relation

to the natives of that country. The question was whether the provisions of the present Bill were compatible with that position. He thought that they were not. He held that the present Bill, and other recent measures of the present Government of India, embodied a policy which differed widely as the poles from the policy of Munro and Elphinstone, of Metcalfe and Lawrence, and of all the great men who had helped to establish and maintain the British Empire in India—(cheers)—and that continuance in the path along which that policy led, was as certain to be prejudicial to all the best interests of the people in India as it was fraught with difficulties and dangers to our own dominion. (Cheers.)

Mr. ROPER LETHBRIDGE, Hon. Sec. of the provisional committee, read a telegram received the previous night from Calcutta, which illustrated in a very vivid light the danger that was being run by the continued unsettlement of the great question before them. The telegram ran as follows:—

“While the prosecution of the Indian rioters is still pending, the wife of the Public Prosecutor has been brutally assaulted by a sweeper. Other domestic cases. General feeling of alarm among European ladies. The Uriya bearers have held a meeting and subscribed for Surendranath Bannerjea, evidently instigated by Bengalee sedition mongers. I believe that the conduct of the Natives arises from the conviction that insulting Europeans is giving effect to the policy of the Government.”

That telegram appeared a most important one, and it was very deplorable that there should be even the suspicion of such a thing on the part of the Native mind that they might with impunity, and by way of giving pleasure to their rulers, assault Englishmen and Englishwomen. The thing was perfectly preposterous on the face of it; but still, if the opinion was going about, the sooner it was stopped the better. As to the correspondence, he had that morning alone received fifty-seven letters from various parts of England, Ireland, and Scotland, and two from the Continent, on the subject of the meeting. Those letters expressed, without a single exception, the utmost enthusiasm on behalf of the movement, and he might say that among the thousand odd letters that had reached him during the last few weeks there was absolutely only one Anglo-Indian who had anything to say in support of Mr. Ilbert's Bill. There was one point he should like to notice with regard to that correspondence—viz., the very great difficulty which it showed there was in obtaining anything like concerted action

among Anglo-Indians in England, owing to their wide dispersion ; and that difficulty had only been partially surmounted by the remarkable enthusiasm shown by correspondents in various distant centres. Only on Friday he received a letter from one of the most distinguished Bengal civilians now in England, a late Judge of the High Court of Calcutta, pointing out that he had only recently observed the advertisement of this meeting in one of the local papers, and stating that he was most anxious to join. Up to that day they had a list of adherents numbering over 500 names, and that number was increasing with every post. It was absolutely impossible any longer to doubt Anglo-Indian opinion on the subject ; official, as well as non-official, it was perfectly unanimous. He had received letters from a large number of gentlemen who entirely sympathized with the object of the meeting, but for various reasons did not wish publicly to join the movement. A very considerable number of Anglo-Indian ladies had shown their keen interest in the opposition to the proposed legislation, and in more than one instance had volunteered their services in urging their masculine friends to take part in the movement. There was no feature in the proposed legislation more objectionable than the position it would assign to Englishwomen in remote parts of India, and that was one point in which it was clear that the position of the opponents of the Bill was, logically as well as practically, absolutely unassailable. If the privileges of Native Indians were attacked by a persecuting Government, the English people would be quite ready to defend them ; ought they then to do less for their fellow-countrymen ? (Hear, hear.) On that point he might read a letter he had received from a Commissioner who had just returned from the charge of one of the most important divisions in India—a division containing a very large non-official European population. He said :—

“I think the Bill a great blunder—the worst since the greased cartridges. It makes one doubt whether there is not, among many advantages, a terrible risk in placing at the head of the Indian Empire a man who has never been in India. (Cheers.) From the letters I have received from India I find that the large classes of artisans and working Europeans are wild with excitement and hatred of the Natives ; that the next grade, the tea assistants, railway employés, &c., are scarcely less agitated ; and that even the high officials and leading Europeans are full of anxiety and concern, and annoyance with the Government for raising the

question. It is the more deplorable because the last ten years has witnessed a growth of friendly feeling and mutual confidence between official and non-official Europeans, and between both those classes and the Natives, such as could never have been expected in the days of Lord Canning."

A Judicial officer of long and wide experience wrote:—"One shrinks from thinking what might in some cases be the position of Englishwomen under this Bill." One pleasing feature of the correspondence was that large numbers of the letters he had received, dwelt with especial emphasis on the non-political character of the movement. In Parliament many loyal supporters of the present Government in both Houses were among the warmest opponents of the Bill. Indeed, one of the very ablest of Her Majesty's Ministers, and the only one except Lord Northbrook who possessed any personal knowledge of India, had published a book, which showed clearly enough his opinion of the impropriety of placing poor, isolated Englishmen in India under the criminal jurisdiction of any but those who were entirely and in every way qualified to enter into their feelings and motives. He referred, of course, to Mr. Trevelyan, the present Chief Secretary for Ireland, well-known by his writings as the "Competition Wallah." Several present would remember Mr. Trevelyan as a distinguished ornament of Calcutta society, writing Anglo-Indian comedies, and helping to play them, too, at Belvedere. No one would doubt the immense ability of that gentleman, and in the chapter of "Letters from a Competition Wallah," headed "Hindoo Character," he had expressed very strong views. He himself [Mr. Lethbridge] did not wish to say anything, and he believed that all who were acting with him wished to say nothing that could possibly be offensive to their Native fellow-subjects—(cheers)—and he trusted that nothing which they could not say among their private Native friends would be said on any platform in England. Therefore, he might not approve of some of the things which Mr. Trevelyan had said, and, indeed, he [Mr. Trevelyan] possibly might have modified his views with the advance of education in India; but there was one story which he would quote very briefly, which he thought illustrated the point they were upon. He would epitomize the story, and then give some of Mr. Trevelyan's own words. Two planters in the Mofussil paid a flying visit to a third planter, taking a travelling Englishman—probably Mr. Trevelyan—with them. After dinner they heard a jackal cry, and two of the men went

out to have a shot at him. A shot was heard, and presently the two men rushed back to their friends, pale and agitated. "I believe I have shot a man," said one of them, "but we did not dare to look." As the planter took aim a man had risen up between him and the object at which he took aim, and dropped again before he was well on his feet. The other men—who had never left the house—went to the spot and found a Hindoo peasant stone dead, with a bullet through his heart. He would give what followed in Mr. Trevelyan's own words:—

"The relations of the poor fellow prosecuted the planter for murder, and more—that he had tied the deceased to a tree, beaten him cruelly and' outraged him in the most foul manner, and finally put him out of his misery by deliberately firing at him from a distance of a few yards. This vindictive lie was supported in every particular by a number of the villagers. The presence of his three countrymen—a happy chance—and nothing more, alone saved the prisoner from condemnation."

Lastly, there was one letter which he would read, which reached him that morning, because it showed the opinion of a most important section of the Anglo-Indian community, a section least likely to be biassed by an improper feeling in the matter. It was from the Ven. Archdeacon of Bombay, Dr. Leigh-Lye, and was as follows:—

"I much regret that the distance of my residence from town and other engagements prevent my attendance at the meeting on Monday next for the withdrawal of the Indian Criminal Procedure Amendment Bill, and I earnestly hope that success may attend your efforts against the measure, the mere prospect of which has aroused such violent animosity of race. The interests of true religion, of unity, peace, and concord among all nations are not likely to be promoted, but may most certainly be seriously injured by what nearly all Anglo-Indians appear to agree will be prejudicial to our Government, with which the welfare of India is so closely connected." (Hear, hear.)

Mr. W. S. SETON-KARR (late Bengal Civil Service and Foreign Secretary to the Government of India): In moving this resolution, "That this meeting disapproves of the Bill now before the Indian Legislature to amend the Code of Criminal Procedure, 1882, and desires to move Her Majesty's Government to take measures for the withdrawal of the same," I may be pardoned for saying that it would be much more pleasure to me to appear on a platform on which I should

have to second efforts of the Indian Government in some measure designed to ameliorate the condition of the people of India, or on which I should have had to defend the Government, than that I should have to appear to assail its measures : but when Mr. Lethbridge invited me to join this meeting, and when I considered that this measure attacked the interests of an increasing and a highly important class in India, and when I thought that with the interests of that class was inseparably bound up the progress of our administration, and even of our very supremacy in the East, I felt it was a matter of conscience and duty to place my services, whatever they might be worth, at the disposal of Mr. Lethbridge and his committee. (Hear, hear.) This controversy, which has been so prolonged, has brought to the front every argument which could be adduced for or against the measure. I have heard it said lately that there are some papers about to be presented to Parliament for which we might wait in order to form a conclusion ; but I am of opinion—and that opinion, I think, will be borne out by the facts—that everything concerning this unhappy controversy has long been laid before the public—from letters, from telegrams, from debates, from leaders in the papers, from the letters of “Asiaticus” on the one hand, and from the letters of “Britannicus” on the other hand, and from the ominous silence of one weekly journal in England supposed to be intimately acquainted with, and intimately interested in, India. (Cheers.) I would remind you that the ground upon which this measure was at first supported, was, that it was intended to remove an anomaly. I will just briefly remind you that a Native gentleman, finding that in Calcutta under the fierce light of the Press, and in full publicity, he could exercise certain powers, and that when he was sent to the Mofussil he could no longer exercise those powers, brought this matter before the notice of the Government. I am very well aware that since the question first arose, the ground to a certain extent has been shifted ; and that the partizans of this Bill are anxious to defend it, not so much on the ground of the removal of anomalies, as on the ground that they are bringing up the Natives to an equality with Europeans. I wish those gentlemen had remembered for a moment the celebrated saying of Lord Mayo—about levelling up, and not levelling down. (Hear, hear.) But for one moment I would venture to deal with the question of anomaly. Why, the whole of India bristles with anomalies—*anomalies* meet us at every turn. Our splendid Empire there in itself is

an anomaly, and we have done as much as we could to tolerate and to recognize anomalies, privileges, and exemptions to the very verge of abuse. Not to quote more numerous examples, which will be within the recollection of every one, I may remind you that when we tolerate the polygamy of the Brahmin; when we tolerate the law of divorce and marriage of the Mahomedans; when we tolerate the seclusion of the Hindoo Zenana; when we, by a recent enactment, allowed Rajahs and Nawabs and other men of position, to claim exemption from appearing as witnesses in the civil courts—we have done everything in our power to give sanction to exemptions, and to throw over privilege the authority and sanction of the law. (Cheers.) I may be permitted to suggest to this meeting and to the committee the advisability of not, in any arguments against this Bill, laying too great stress on the prophecy that this measure would end by driving British capital from India. My experience is that into India British capital and British enterprise will go, sometimes with the aid of the law, sometimes without the law, and sometimes, as in past generations, almost in defiance of law; and I believe that as long as we retain even our hold upon India, there will be found, side by side with the great public buildings of our great cities there, the factory of the merchant and the bungalow of the planter. The exemptions from this jurisdiction, or the continuation of this privilege, I should be inclined to put on somewhat different grounds. Let me give an illustration from my own experience, which, I doubt not, will be corroborated by the experience of those around me. It is not so much that it will banish capital, but that it will give to those numerous employés of companies and of institutions a sense of perpetual unrest, disquiet, and insecurity. (Cheers.) Let me take a case. A gentleman employed in agricultural pursuits, far away in some isolated and jungly district, becomes involved in what, for want of a better term, I will generalise as a series of agrarian disputes. Then, either from his own fault, perhaps, or from the unscrupulous character of the Natives, he becomes involved in some controversy which leads to the prosecution against him of a criminal charge. Now you are well aware (at least I am, from my own experience) that in isolated districts, far away from Calcutta—its Bar and its Press—in such districts, the presiding magistrate is compelled, by the very imperfect nature of the instruments before him, to be at once counsel for the prosecution, counsel for the de-



fence, judge and jury. Now in cases which, however important to the individual, may not be important enough to warrant a transfer of the case to one of the courts in the Presidency, in such cases I think, that it is a reasonable privilege—a reasonable exemption—that a man so situated shall claim to be tried before an English judge, who, in addition to his knowledge of the law, to the knowledge of Native character which has been secured by long and honourable service, has also that knowledge of the position and of the character and of the proclivities of his countryman, which will enable him to say with greater certainty than the Native, whether the charge brought against him is likely to be true, or whether the defence set up by the Englishman was in fact, and in law, substantiated. In all this I see nothing more anomalous, nothing more illogical, nothing more inconsistent, than in a thousand other cases which we have already had. And I put it to you whether after all society is not better satisfied, criticism is not more disarmed, and the interests of justice are not better consulted, when a European at a distance from friends and advisers, is tried by a tribunal which is not only impartial, but which he and the world besides believes to be thoroughly equitable and impartial. (Cheers.) Without saying one single word against the class of Native judges, whose integrity and impartiality I am bound to admire, I do say that this claim on the part of an Englishman to be tried before one of his own countrymen, is one which has justice and right on his side. I would just for one moment refer to the general question of policy, and to the state of the controversy at the present time. It is within my recollection and knowledge, and I daresay it will be within your knowledge, if you have paid attention to the debates in the Legislative Council, that many of the avowed partizans of this Bill now declare plaintively and candidly that if they had had any notion that they were going to raise all this outcry and agitation, they would never have thought of introducing the Bill. (Hear, hear.) Perhaps I may be pardoned for giving you an anecdote of the late Lord Lawrence, which I don't think you will find in his admirable biography. Lord Lawrence was once engaged in a discussion in the Council, and after it was over he said to one of the most able and conscientious members of the Council that he proposed to do so-and-so. This gentleman, who, to do him justice, knew a great deal of the law, but perhaps not so much of the country, replied, "Why, your Excellency, you do not find any ground for doing this in the corners of this bundle of

papers !” “My good fellow,” his Excellency replied, with that frankness and that *bonhomie* which distinguished him throughout his life, “what you say is perfectly true, but, after all, is there not something due to a knowledge of the people and to political instinct ?” (Cheers.) Now, if those who are the partisans of this Bill had had anything of Lord Lawrence’s sound political instinct, they would not have ventured to bring this Bill forward in the Council. (Cheers.) I would remind you, too, as your chairman has reminded you, that it is only just eleven years ago since this question was taken up and discussed in its present bearing, and was, as the officials and non-officials thought, finally set at rest by Sir Fitzjames Stephen. I don’t say that any distinct pledge was given—for giving pledges is a rash thing—to the Anglo-Indians, that at no future time would this question of criminal jurisdiction be brought up ; but I do say there was a tacit pledge that it would not be raised without grave administrative reasons demanded it, at least for an Anglo-Indian generation, which we may take at thirty years. And I may also remind you that when this Bill to remove so-called judicial or legislative anomalies shall be passed, the anomalies will still remain, as inconsistent, as illogical, and as incongruous as ever. The English judge will still be able to sentence the Rajah to death, and the English magistrate to give sentence of three years’ imprisonment ; whereas, in the case of the Europeans, Native magistrates will only be able to give sentences of three months’ imprisonment, and a judge only twelve months’ imprisonment. I ask you, judging from past experience, how long do you think it likely that these patent anomalies shall escape the lynx-eyed investigation of some legislator who is anxious to make a name for himself ? (Cheers.) I say that the passing of this Bill will leave these anomalies just as inconsistent and illogical as they were before, and I will ask you, as I would ask any administrator of experience, whether it would not be much better to tolerate a system which involves a patent anomaly, which occasions, perhaps, a slight dislocation of the administrative machinery, which involves the transfer of one important case occasionally, where it would be important to the Europeans, from one tribunal to another, or a deputation, perhaps, of some Europeans to try a planter, or to try some Englishman up the country for an offence against the law, would it not be better to tolerate the system than to have all this agitation and all these evil passions aroused ? (Cheers.) But, gentlemen, I remember that there are others who have to speak, and who

will probably dilate from fuller experience and with more pregnant examples than I can give ; but there is one grave question of State policy, which the chairman has truly remarked, is brought to the front by this unhappy question. The eminent men who have built up in India a splendid edifice of British valour and statesmanship—whether they were nurtured in India itself, or whether leaving English policy behind at the Cape or in Egypt, they have, without partiality, without party, contributed to our moral and material prosperity—those great names, as we have been reminded by the chairman, have preferred to act tacitly, but not openly, upon the maxim that we are more in India by ascendancy of character, by governing power, by the supremacy of our language, of our laws, of our literature, and, above all, as a last resource, by the power of physical force ; but they have taken care not to parade these maxims before the world. They have not lectured their subjects of a conquered race on the evils that have been inflicted on them by centuries of priestcraft, of despotism, and of superstition. They have carefully kept those maxims to themselves, but it is the unhappy tendency of this controversy to bring into broad daylight everything which a wise and prudent administrator should seek to hide. (Hear, hear.) This discussion, as it has proceeded in India, has inevitably dipped the pen in gall, and has done more to embitter the relations between the European community and the Natives than any single proposal since the Mutiny, and to outrage the cherished conviction which is shared, I believe, by every Englishman in India, from the highest to the lowest, by the planter's assistant in his lonely bungalow, and by the editor in the full light of the Presidency town—from those to the Chief Commissioner in charge of an important province, and to the Viceroy on his throne—the conviction in every man that he belongs to a race whom God has destined to govern and subdue. (Cheers.) This subject has again revived those antipathies of race and creed and colour which in past times have been allowed to subside, and which from the occasion of the great Sepoy rising, it has been the constant endeavour of every patriotic Englishman to allay. I am not here to-day to imitate that language, but I do trust that all who follow me will imitate the example of our chairman, and will to-day exhibit in argument the just and calm and dispassionate language which, if it may not sway the Council or the Cabinet, never fails ultimately to secure the respect and the reasonable submission and intelligent acquiescence of a nation. I trust that we shall be—I trust that we

all, officials, and non-officials—shall be animated by a determination to recognize that Empire as a magnificent heritage—not as a battle-field of politics, not as a scene of philanthropic experiments—(hear, hear)—not as a place for the warfare of party—but as a magnificent heritage which we are designed to, and which we ought to hand down to our successors, if not improved, at least unimpaired, and which every true Englishman has in his heart recognized as a material, well-earned increment to our already grand accumulation of public credit and of national renown. (Loud cheers.)

Mr. J. D. MAYNE (late Acting Advocate-General of Madras): I am glad to have heard it so prominently put forward that this meeting is in no sense whatever a party movement. India was never won, and India will never be retained either by Liberals or Conservatives. India was won, and India must be kept, by the great body of Englishmen whose heritage it is, and there is no person, of whatever political party or political creed, who is not equally concerned in everything which interests the honour, the safety, and the dignity of our fellow-countrymen in the East. (Cheers.) Again, Sir, I think it most important that we should remember that we are not here to advocate the withdrawal from the Natives of any privilege that they possess, or even to withhold from the Natives any privilege which they desire. (Cheers.) The Natives at present are governed by a system of law and a system of judicature which was settled long years ago, with which they are perfectly satisfied, and which there is no intention to change. (Cheers.) The proposed change only concerns the very few Englishmen who may from time to time be brought before criminal courts; and it is no more a matter of interest to the Natives that these should be committed by Native magistrates, or tried by Native judges, than that in the hour of their illness they should be prescribed for by Native doctors, or operated upon by Native surgeons. (Cheers.) I grant you that if it could be shown that the possession of the present privilege entailed any partiality in dealing with the Europeans, if it could be shown that by means of that privilege the Native prosecutor was put at any disadvantage, then I admit freely that the privilege should be withdrawn. But it has never been suggested that any European judge or any European Magistrate in dealing with his fellow countrymen has been guilty of partiality. (Cheers.) And I do say, and every one who knows India will echo my opinion, that there is not a Native in India who in any cause in which his interests are concerned, whether his opponent be a European

or a Native, would not by preference choose an English judge to try him. (Loud cheers.) It seems to me that we should remember in discussing this question that we are asked to remove a privilege, the possession of which does no injury to anybody, and the withdrawal of which will confer no benefit upon any human being on the globe. But, Sir, this privilege is one, time-honoured and ancestral, the birthright of every Englishman, which he prizes as his life. It is the privilege that in every stage of a criminal proceeding, in every stage of any proceeding which may affect his liberty, his character, or his life, he shall be judged by a countryman of his own. (Cheers.) Sir, this is no fantastic or new-fangled privilege, invented for the first time by a small privileged body for their own purposes. This is a privilege, the roots of which must be sought in the foundations of the English Constitution. This is a privilege which has been asserted and maintained by every Christian nation in their dealings throughout the East, and this is a privilege which has been asserted and confirmed within recent years, not merely by the Indian Legislature, but by the British Parliament itself. Upwards of six centuries and a-half have passed since the barons extorted from King John the Magna Charta, which was in itself the declaration of the English common law, and one of the rights which they insisted upon for themselves and for their plebeian subjects was this, that every man should be judged by the decision of his own peers, and in pursuance of that right, and up to the present day the commoner is tried by the commoner, and the peer is tried by the peer. If Lord Ripon were to return to England and be guilty of a felony—(laughter)—Lord Ripon would not be tried by the Lord Chief Justice of England and a jury sitting at the Old Bailey, but he would have to be tried by the Lord High Steward of England and the assembled peerage of Great Britain in their ermine and their robes. (Cheers.) Again, it is the first principle of International Law that every nation has a right to try foreigners of whatever origin within its own shores for crimes committed within its own jurisdiction; but the Christian nations of Europe have persistently refused to recognise that right in their dealings with Eastern races, and in all their dealings in Turkey, in Europe, in Africa, in Asia, in Japan, they have persisted in maintaining the right of their subjects to be tried for criminal offences by their own countrymen, and their own countrymen alone. (Cheers.) I observed in a recent article by Sir Arthur Hobhouse that he attempts to deal with, and to set aside,

this argument by saying that it rests upon a different principle—that it rests upon the ground that the laws of those nations are in themselves unjust, that their punishments are in themselves cruel, and that they refused to admit the evidence of the European and of his friends. I will give Sir Arthur Hobhouse another instance to which he will not be able to find the same objection. India, as we know, is encircled and intersected by Native States: many of them have reached the highest stage of organization; some of them possess tribunals as good as our own, and laws modelled upon our own. Travancore and Mysore have exactly the same criminal law as British India, and their judges' tribunals are precisely as good as our own. Well, the India Office has persistently refused to allow any European who commits an offence in a Native State to be tried by the tribunals of that State—(cheers)—and if a European commits an offence in Travancore or in Mysore, he must be brought up before the High Court of the adjoining Presidency, or tried by a countryman of his own in the Native State. And, Sir, the principle upon which this exemption rests, is rational and sound. It does not rest upon any idea that the Native judge will necessarily be partial or unfair, but it rests upon the principle that every criminal has a right to be tried by a judge who understands his feelings, who understands his ways, who understands what are the temptations to which he is likely to give way, who understands what are his modes of action and his modes of thought. And I maintain with confidence that there is no Native judge, however wise, however just, however learned, who is so capable of understanding the ways of thought and the modes of action, the habits and the manners of an Englishman, and still more of an Englishwoman, that in any case of controversy his decision would be satisfactory. (Hear, hear.) I believe that if this attempt to give jurisdiction to Native judges were successful, every case which ended in conviction would be followed by an embittered controversy, which would spread anger and dismay throughout the length and breadth of the land. (Cheers.) Now we are asked whether we think that Native judges would be consciously unfair to a British subject. Frankly speaking for myself, I should say that in ordinary cases, and under ordinary circumstances, I do not think they would. (Hear, hear.) I believe that the Native judge, if a European of influence and position were brought before him, would display to him a very much greater degree of leniency than he would receive from his

own countryman. I believe that, if a European of influence and position were brought before him, charged with a crime of which he was really guilty, he would not receive from that Native the stern and unhesitating justice which would be meted out to him by a judge of his own language. But in the case of the lower classes of Europeans I am by no means confident that it would be the same. I think, for instance, that if a couple of half-intoxicated sailors were brought up before a Brahmin magistrate for having broken into a Hindu pagoda, or slaughtered a sacred monkey, they would probably receive very hard measure indeed—(laughter)—partly because the magistrate would be utterly unable to put himself into the point of view from which the accused regarded the offence, and partly because the culprits would probably conduct themselves before him with a degree of levity—(laughter)—and independence which would very much excite his indignation. It seems to me that in considering the granting of this jurisdiction to Native judges, this is a matter most important to be considered. The great majority of offences would be what we call police offences, assaults, drunken freaks, and the like, committed by the lowest class of Europeans—the guards, the engine-drivers, the mechanics, the loafers, and so forth. Now, I cannot imagine a spectacle more derogatory to the dignity of the European than the spectacle of one of these unintelligent and angry Europeans, hustled about like an indignant Samson by half a dozen puny Native constables, and badgered for a day before a fussy and self-sufficient Native magistrate who did not understand him, and by whom he was not understood. When I was in India, it was the invariable practice, whenever it was possible, to effect the arrest of a European by means of a European constable, and it was always found that the European at once submissively yielded to the European constable, and went with confidence and respect before the European magistrate, because both the European constable and the European magistrate embodied to his eyes the majesty of the law to which he had been accustomed to yield and respect from his birth. (Hear, hear.) But no European of the lower class ever does believe, or ever can be brought to believe, that any Native, however highly placed, is his equal. It may be very unbecoming, it may be very unchristianlike, that he should not do so. I am far from wishing to defend him for not doing so; but it is an ultimate fact in his nature that nothing will induce him to give the same submission and respect to

a Native that he will do to his fellow-countrymen. Perhaps this may be a part of the same feeling which has induced him always to unflinchingly fight against overwhelming odds, and has led Englishmen to march to victory in every quarter of the globe, from Cape Comorin to Cashmere. (Cheers.) I ask you, is it wise to alter a system under which ready and unhesitating obedience to the law is accorded by those who are most likely to be subject to it, for the sake of substituting a tribunal which the culprit will not respect, which he would resist with unavailing, unseemly resistance, and whose decision would not be accepted with acquiescence by himself or his friends? I have no hesitation in saying that there is not a European convicted by a Native judge who would not be of opinion that if he could have reported his own case in his own language to one of his countrymen, the result would have been different. (Hear, hear.) Now again, Sir, we know that India is pre-eminently the land of false complaints. Where the Italian stabs with the stiletto, the Native strikes with the sword of the law. Let me read to you a passage familiar to every one of you, from Macaulay's great essay upon "Warren Hastings." He says:—"An Indian Government has only to let it be understood that it wishes a particular man to be ruined, and in twenty-four hours it will be furnished with grave charges, supported by depositions so full and circumstantial, that any person unaccustomed to Asiatic mendacity will regard them as decisive." What was true, as stated by Macaulay, of a Native Indian Government, is equally true of any person, or of any class of persons, who have influence enough to wish to bribe false testimony. One instance of this sort has been read out to you by Mr. Lethbridge. Let me quote to you an instance from my own personal experience in India. Every one, probably, who has been in India, could furnish you with half a dozen similar instances, but this will do as well as any other. A good many years ago I had to defend a Native judge, or *Moon-siff*, as he was called, and twenty-five or thirty coolies upon the charge of what was called "torchlight robbery." The case was proved with an amount of unanimity and respectability of testimony that I have hardly ever seen equalled. Numbers of respectable inhabitants were called to prove that they had been awoken in the middle of the night by a gang of men who had burst into the village, burning their torches, and slinging their stones, and firing off their muskets; that they heard them break into the house of a respectable merchant (who was himself produced), and that



they had gutted his house, and set the greater part of his property on fire. At the end of nearly a week's trial it was proved and established beyond all dispute that there never had been a torchlight robbery at all. (Laughter.) That is to say, every one of the facts proved were perfectly true, but the whole thing had simply been a pantomime. A number of persons had been heard to enter the village in the manner perfectly truly described, in the middle of the night; they had then gone and broken open the house of a Native merchant, which he had kindly placed at their disposal, and they had burnt a quantity of old accounts and papers which he with equal liberality supplied to them for the purpose. The whole object of the charge had been to crush the Native judge who had made himself obnoxious to the Brahmins of the district, and the twenty-five or thirty Native coolies were thrown in at random to add probability to the charge. Gentlemen, I need hardly say that a European, unprotected in a distant district, is pre-eminently exposed to charges of this sort. It is said, "But suppose a charge of this sort is made, the Native judge is as capable of detecting the falsity as a European judge would be." In the case of a charge brought against a Native I think that would be so, but it would not be so in the case of a charge brought against a European. Natives getting up a false charge would arrange all the facts and all the circumstances, so as to give preparatory answers according to their own view of what is probability, and in the case of a Native they would make it probable, and any improbabilities would be disbelieved by the Native; but it would be utterly impossible for a number of Natives making up a charge against a European to frame a connected chain of falsehoods which should not contain numerous improbabilities arising out of the habits and manners and ways of action of the European which would at once stamp it with falsity in the mind of a European judge, but which a Native judge would accept as adding probability to the charge. (Cheers.) And again, although I am quite willing to allow the most thorough credit to the Native judges for impartiality in an ordinary case, and under ordinary circumstances, you must remember that our system of judicature must be arranged with a view to extraordinary cases, and India is pre-eminently the country in which, according to the French proverb, the unforeseen is that which is almost certain to happen. You never know at what moment some wave of national, political, or religious feeling may sweep over the face of India, and convulse Native society to its depths, and when such an

emergency arises, every Native is subject to political, social, and religious influences, the depth and the power of which we are utterly unable to estimate, and when an occasion of the sort arises, I do not say that a Native judge would necessarily be partial—he would try not to be so if he could, but I hardly believe he could if he would—but this I am certain of, that his decision would never be accepted as being impartial. Take, for instance, the present state of things in Bengal. Consider the torrents of obloquy and vituperation which are heaped upon every Native who has attempted to stand up against this change recommended by Mr. Ilbert. Can you imagine any Native strong enough to resist the whole torrent of the public opinion of his own country? Take again what is known at present as the *contempt of court* case. Never was there a case in which the parties assailed were so utterly and transparently right as they were in that case. A dispute arises between two Native members of a family as to the possession of an idol. Both parties, who are Hindoos, and the counsel, who are Hindoos, ask the judge to have the idol before him for inspection. After taking the opinion of a high-caste Brahmin, he consents to do so, and, having done so, he is assailed by a Native paper as a Jefferies and Scroggs, and with all sorts of vile epithets. He is accused of having attempted to tamper with the religious feelings of the Natives, and the whole length and breadth of Indian society is convulsed with the charge. Let us recall those days that are within the memory of most of us—the time of the Indian Mutiny. Do you believe that if such a period were to recur, any Government worthy of its name would be able to leave the criminal jurisdiction of Europeans in the hands of Native magistrates? (Cheers.) Do you think they would venture to incur the risk of having man after man picked off by Natives and consigned to prisons under their own control, for their own destruction? They would not do so. But I ask, what are we to think of a system of judicature which at the very time when it ought to be in the fullest working order, is by the nature of things to be put completely out of gear? (Hear, hear.) Now I wish to refer to one or two of the arguments in favour of this Bill, which have been advanced by its most accomplished advocate, Sir Arthur Hobhouse. I shall not deal at length with the anomaly argument which has been discussed so ably and so effectively by Mr. Seton-Karr, but I will only say this—that if there is one anomaly greater than these privileges, if there is an anomaly greater than the existence

of our own empire, it is the anomaly that for the last hundred years Hindoos and Mahomedans, Sikhs and Rajputs have, under our rule, and by the possession of our privileges, lived together in harmony and peace. (Cheers.) It is the anomaly that for the first time in their own experience we have put a stop to the ravages of the Pindarees and the Thugs, and that the very class of people who are at present calling out against our tyranny and oppression, are living under a system of liberty and equality, such as they never could have enjoyed under their own Native rulers. (Cheers.) Again, Sir, we are met with that familiar argument that this is only a very little measure, and Sir Arthur Hobhouse is quite triumphant against Lord Salisbury, because he made the mistake of saying that under this measure, if passed, the lives of English subjects would be at the mercy of the Natives. That is not so at present, but I must remind you that those who advocate this measure avowedly intend it as the first instalment towards the utter sweeping away of every European privilege. (Cheers.) If you once admit that this principle is indefensible, that the European should be tried by only his own countrymen, it is a logical and necessary result of the abrogation of that principle that every atom of the privileges which he at present enjoys, should be swept away from under his feet. (Hear, hear.) If you once allow this beginning, it must go on to the end, and before very long the time will come when the European in the distant Mofussil will be committed by a Native magistrate upon a criminal charge, sentenced to death by a Native judge, his sentence confirmed by a Native High Court, and himself hanged within a month by a Native executioner. I ask you whether that state of things will be satisfactory to those who have sons, and, still more, those who have daughters, who are likely to take up their residence in India? Then, again, we are told that we ought not to be dissatisfied with this measure, because similar measures have already been passed that have had no evil result. It is said, "Look at the police magistrates in Calcutta. Look at the High Courts. In those Courts there are Native judges. Yet you are satisfied with their decisions." Sir, there is no parallel whatever between the two cases. (Hear, hear.) The Native police magistrate sits in the full blaze of the public opinion of the assembled European community. He pronounces his decisions after argument by European counsel, and his decisions are published and commented upon by the European Press. The High Court judges,

again, are the pick of the Native Bar—are men, few hitherto in numbers, who have passed their whole time in administering justice before English tribunals, and who have become impregnated with the principles of English law. But, I ask you, do you think it would be satisfactory that all the police magistrates should be Natives, and that all the High Court judges should also be Natives? I think it would not be so. (Cheers.) But if the present Bill is passed, the position of a European in the distant districts of the Mofussil will be exactly like that of a European in Calcutta, if he were brought up before a bench consisting wholly of Native magistrates, with an appeal to Native judges. Suppose that the English Press had been swept away, that the English Bar had vanished, that the whole European community had disappeared. That would be the parallel, and that parallel, I say, would not be satisfactory to you. (Cheers.) There is one more observation I wish to make. We all know that beneath the calm and placid exterior of Indian society there lurk elements of disturbance which are continually ready to break out with all the violence of a volcano. Is it wise that we should supply fresh means for political controversy? is it wise that we should supply fresh causes of the bitterness of class? Hitherto, the strongest part of our administration has been the administration of the law. Is it wise to change that for a system which cannot possibly be better, and which will inevitably be worse? Hitherto, every person, of whatever class, Native or European, has leaned with undoubting confidence upon the impartiality and the strength of our judicial system; but if it were once imagined for a moment that that judicial system could be worked for the purpose of gratifying Native spite against a prominent European, then I say a storm of resistless anger would arise, which would sweep like a hurricane over the length and breadth of the land. (Cheers.) We at present see from this controversy the bitterness that has arisen between Natives and Europeans, official and non-official—a bitterness which has never existed since the days of the Indian Mutiny. I do implore our rulers to be warned in time. I do implore our rulers to beware, lest in attempting to repair a defect, imaginary and theoretical, in the bulwarks of our constitution, they introduce a rift, small, perhaps, and unperceived, but which will gradually widen and enlarge until before it the very fabric of our Empire crumbles into ruins. (Loud Cheers.)

Mr. J. M. MACLEAN (late editor of *Bombay Gazette*): In

rising to second this resolution,\* I must say that I do so with great pleasure, because I was intimately connected, during a long career in India, with that non-official class against whom this measure is chiefly directed. I have always, for my own part, had a strong feeling of contempt for those decorous trappings of hypocrisy with which many Englishmen attempt to disguise from themselves the real character of our tenure of power in India. This movement is strictly non-political, and I am, therefore, free to say to-day that I think it is a great misfortune that public men of both parties in recent years have been too profuse in the use of high-sounding phrases about equality and fraternity, and the rights of man generally, addressed to the people of India. The misfortune of Lord Ripon is, that he, being apparently a very sincere and simple-minded man, has come to the conclusion that those phrases were to be accepted in earnest, and has tried to carry them out and to put in force the principles of the French Revolution as applied to the Government of India. (Cheers.) To show that I am not going too far in saying this, let me remind you what is the ground upon which Lord Ripon proposes this alteration of the law. He says expressly in his despatch to the Secretary of State that no change in the law will be stable or satisfactory which does not sweep away completely, and at once, every judicial disqualification based on difference of race, or on the supposed privileges of a dominant caste. Lord Hartington actually re-echoes that opinion. Well, gentlemen, can you imagine anything more ludicrous than an English Secretary of State, and an English Viceroy, who hold those appointments simply by virtue of being Englishmen, consulting with one another how they shall do away with the privileges of their humbler fellow-countrymen in India? (Cheers.) They do not for a moment propose to lay down their own offices; that would be going too far; that would be carrying their principle "to an illogical extent," possibly they would say. (Laughter.) But they are quite ready to attack those of their fellow-countrymen who have gone abroad for the purpose of doing their best to improve the welfare both of India and of England. I think it is a great misfortune that a number of public speakers and writers in this country have seized with avidity upon some indiscreet expressions used at a Calcutta meeting which was held to protest against this Bill. There are some Englishmen in this country who seem to be never happier than

\* The last resolution on page 41.

when they are showing their superior virtue by vili-  
fying their countrymen abroad. (Cheers.) When we  
consider all the circumstances of the case, the English-  
men in Bengal might say to themselves, as Lord Clive  
did on a memorable occasion, "we are only amazed at our  
own moderation." Just consider for a moment what this  
class of non-official Europeans is in India. It is composed  
of planters, professional men, and skilled workmen in all  
departments. Well, these men are necessarily a privileged,  
dominant class. No legislation can make them anything else  
but the Government itself. I dare say some of you have  
noticed, from the *Gazette of India* the other day, that Lord  
Ripon has been conferring decorations on officers of a  
volunteer regiment formed in India. There the Government  
recognized the exceptional position which the non-official  
Europeans in India hold. They dare not appeal to the  
loyalty of the Natives to form volunteer regiments. No, but  
they appeal with confidence to the loyalty of the non-official  
Europeans in the country, and they have raised regiments  
several thousand strong to assist in the defence of our Indian  
Empire. So, in the same way, when any tax is brought for-  
ward, it is to the non-official Europeans that the Government  
look to set the Natives an example of how to make sacrifices  
of their own personal interests for the benefit of the State.  
In the same way, when any measure is brought forward  
that the Government wishes the Natives to adopt in a quiet  
and loyal spirit, it is to the English Press and the English  
non-official class in India that they appeal, and the appeal is  
never disregarded. (Applause.) Then, gentlemen, is it not  
monstrous that, having to deal with such a community, the  
Government of India never for a moment thought of asking  
what would be the opinion of the non-official community  
themselves regarding this change in the law which was about  
to be introduced? If you look at the papers presented to  
Parliament, you will find adverse opinions expressed by every  
class in India, by officials belonging to every province—some  
of the provinces not in the least degree interested in this  
Bill; but the Government of India seems never for a mo-  
ment to have thought of consulting the Chambers of Com-  
merce, of consulting the Associations of Planters, or the  
prominent men of the Anglo-Indian community, to learn how  
this Bill would be received by them. (Cheers.) That was a  
very great and serious mistake for them to make. I am quite  
certain, from the way in which the Anglo-Indian community  
have behaved at other times, that this Bill would have been

discussed by them in a sober and temperate spirit, and that they would have been anxious to do what they could to further the intentions of Government. Look at their conduct, for instance, with regard to the appointment of Native magistrates in Calcutta and Bombay. Those appointments have not always been so successful as some people imagine. I dare say Europeans of the well-to-do class do not know the feelings with which decisions of Native magistrates are sometimes received by the humbler classes of their fellow-countrymen who come before them. There is a well-known story of a sailor who was brought before a very intelligent Native magistrate in Bombay, and he was told by the European constable in charge of him that he was brought up for disobedience, and asked what he had to say. The sailor cast a glance upon the Native magistrate, hitched up his trousers, and said, "Well, I have nothing to say except this, 'that I object to be tried by a Coolie magistrate.'" (Laughter.) Still, I am afraid that that is the feeling with which very often the decisions of the Presidency Native magistrates are received by the sailors, and such men brought before them. But still, the European community have acquiesced in the appointment of the Native magistrates; they have never severely criticised them, and that is a proof of their moderation, which the Government ought to have taken into account. I shall not detain you by going very closely into this question, because it has been very freely discussed to-day, and I am sure you are already getting a little weary. I will only say one thing, that in all the papers which have been presented to Parliament, there is a strong feeling amongst the officials themselves, who were consulted by the Government of India in the first instance, that it was a pity that this Bill should have been brought forward. Mr. Grant Duff, about the purity of whose Liberalism no possible doubt can exist, says in his minute on the Bill, "It is perhaps a pity that just now a measure of this kind should be brought forward which can affect so very few persons indeed." And Mr. T. C. Hope, who is a member of the Viceroy's Council, insists on the essential difference of race, and tries, though evidently under the influence of the Viceroy, to minimize this Bill as far as he possibly can. The same feeling is evidenced in all the official despatches that were received. The Government of India very eagerly seized on some expression of the judges of Bombay; but I am informed on excellent authority that the Chief Justice of Bombay, though he expressed an opinion as to the way in which the administration of the law could be carried

out if this change were effected, pronounced no opinion whatever on the expediency or the political suitability of a measure of the kind. I met also not very long ago a very distinguished Anglo-Indian, who told me that he had given an opinion in favour of this Bill some years ago, but he thought it would be madness for any practical statesman to persevere with the Bill in the face of the storm of opposition which it has encountered. (Cheers.) Now we have a consensus of official and non-official opinion against this measure, and we can go now to Lord Kimberley and ask him that it shall be withdrawn. But remember, ladies and gentlemen, that behind the Secretary of State in this matter there lies the people of England, and if the Secretary of State should refuse to heed our appeal—if, unfortunately, the Government should persevere with this ill-omened measure—it rests upon every one of us to do his utmost to appeal to the people of England to do us justice. (Loud cheers.) Even extreme politicians in this country are very ready to use the ascendancy of England in India for promoting their own purposes. Let me point out to you that only a few days ago at Birmingham, Mr. Bright, when he was looking at the wall of tariffs built up by foreign nations to shut out English goods, and trying whether he could find a breach in the wall anywhere, exclaimed, triumphantly, "India at all events is a free trade country." Yes, but why is India a free trade country? Not of her own free will; not by the consent of the people of India, whose interests Mr. Bright is supposed to have so entirely at heart. Free trade was forced upon India at the point of the sword, as Mr. Bright himself would say, if he were speaking to his opponents. It was forced upon the people of India by a Government which supposed it knew better what were the interests of the country than the people of India did. I concur thoroughly with the Government which made the beneficial change. I have always held that the cotton industry of India ought not to be backed up by protective duties, and that if it cannot prosper without those duties, it ought to fail, and the people of India ought to be allowed to buy their goods in the cheapest market. But that is not the opinion of the people of India themselves. They believe that those duties were taken off for the benefit of Mr. Bright's friends in Lancashire, and they complain that it was an act of oppression to compel them to put direct taxes upon themselves in order that this benefit might be conferred upon Mr. Bright's friends. (Cheers.) If English ascendancy in India



can be used in order to put down protection and to make free trade triumph, why should it not also be used for the protection of the liberty and property of non-official Europeans who make India the best customer for the trade of England, and to whose enterprise and industry it is due that India is now so profitable a component part of the British Empire? Let me tell these extreme politicians, who are so inconsistent when their interests are concerned, that if they wish to try their sentimental theories of a false humanitarianism anywhere, they must find some other field than India. (Cheers.) The danger there is too great. If this policy should be persevered in—this ill-omened and disastrous policy—it can only end in bringing about consequences which will be most injurious to the interests of England and to the welfare of India. (Applause.)

The following resolutions were passed at the meeting:—

I. "That this meeting disapproves of the Bill now before the Indian Legislature to amend the Code of Criminal Procedure, 1882, and desires to move Her Majesty's Government to take measures for the withdrawal of the same."

II. "That the Secretary of State for India be requested to receive a deputation to lay before him the grounds of objection to the Bill."

III. "That the following gentlemen do form an Executive Committee (with power to add to their number) for carrying out the objects of the meeting, and to take such further steps as may be necessary:—Major-General W. Agnew, late Judicial Commissioner of Assam; Sir Alexander J. Arbuthnot, K.C.S.I., C.I.E., late member of the Supreme Council of India; Henry Berners, Esq., late of Calcutta; Colonel C. S. Blair, late Deputy Commissioner, Mysore; J. H. A. Branson, Esq., late of Calcutta; C. J. Brookes, Esq., late of Calcutta; C. T. Buckland, Esq., late B.C.S. and member of Board of Revenue, Calcutta; J. R. Bullen-Smith, Esq., C.S.I., late member of Legislative Council of India; Sir Orfeur Cavenagh, K.C.S.I., late Governor Straits Settlements; M. D. Chalmers, Esq., late Bengal Civil Service; Surgeon-General R. Cockburn; General Sir A. Cotton, K.C.S.I., R.E.; J. Dacosta, Esq., late of Calcutta; Surgeon-General A. C. C. de Renzy, C.B., late Sanitary Commissioner of Assam; Lieut.-Colonel Eardley-Wilmot, 14th Bengal Lancers; James Fergusson, Esq., C.I.E.; Sir T. Douglas Forsyth, K.C.S.I., C.B., late Commissioner, Punjab; Surgeon-

General C. A. Gordon, C.B., late Principal Medical Officer, British Forces, Madras ; Edward Grey, Esq., late Bengal Civil Service ; H. Hankey, Esq., late Bengal Civil Service, and Inspector-General of Police, N.W.P. ; R. S. Hills, Esq., late of Calcutta ; Major-General H. Hopkinson, C.S.I., late Chief Commissioner of Assam ; Colonel R. H. Keatinge, V.C., C.S.I., late Chief Commissioner of Assam ; J. B. Knight, Esq., C.I.E., late member of the Bengal Legislative Council ; A. Lawrie, Esq., of Calcutta ; C. A. Lawson, Esq., editor of the *Madras Mail* ; Roper Lethbridge, Esq., C.I.E., late Press Commissioner of India ; S. P. Low, Esq., of Messrs. Grindlay and Co. ; J. M. MacLean, Esq., late editor *Bombay Gazette* ; Melville MacNaghten, Esq., of Nischindapur, Bengal ; Colonel G. B. Malleson, C.S.I., late Guardian of the Maharajah of Mysore ; G. F. Mewburn, Esq., late member of the Legislative Council of India ; E. C. Morgan, Esq., late member of the Legislative Council of India ; A. T. Osmond, Esq., late of Calcutta ; Deputy-Surgeon-General S. B. Partridge ; W. G. Probyn, late Bengal Civil Service, and Judge of Saharunpore ; E. T. Roberts, Esq., Barrister, late of Calcutta ; A. Rogers, Esq., late member of the Bombay Council ; J. O'B. Saunders, Esq., proprietor of *The Englishman*, Calcutta ; Lieut.-General A. C. Silver, late Secretary to Government in the Military Department ; W. S. Seton-Karr, Esq., late Bengal Civil Service, and Foreign Secretary to the Government of India ; John Stevenson, Esq., of Midnapore, Bengal ; Chas. Sanderson, late Solicitor to the Government of India, Calcutta ; Major-General E. Tyrwhitt, late Inspector-General of Police, N.W.P. ; Lieut. Templer, late Indian Navy ; Ernest Tye, Esq., late Hon. Magistrate and J.P., Assam ; J. D. Ward, Esq., late Bengal Civil Service and Judge of Chittagong ; Colonel T. Prendergast Walsh, late Bombay Army ; Brigade-Surgeon J. Berry White, late Civil Surgeon, Assam ; and Geo. Williamson, Esq., late of Calcutta."

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## LEADING ARTICLE IN THE "TIMES."

(*June 26, 1883.*)

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THE meeting held yesterday afternoon to protest against the Ilbert Bill was in point of numbers as successful as its most sanguine promoters could have ventured to anticipate. The hall was filled to overflowing with an audience obviously very much in earnest in seeking the withdrawal of the measure. Sir Alexander J. Arbuthnot occupied the chair, and set forth the main points of the controversy in a speech marked by studious moderation of statement. His estimate of the gravity of the present crisis can scarcely be contested, whatever may be thought of the merits of the question in dispute. It is unfortunately beyond doubt that the introduction of the Criminal Jurisdiction Bill has caused widespread agitation and excitement, has evoked antipathies of race, and has produced a vast amount of reciprocal irritation, which might very well have been avoided. Sir Alexander Arbuthnot holds that these mischievous results of the discussion which has been going on for the last four months will be intensified and rendered permanent if the Indian Government persists in passing the Bill. The objections felt to the jurisdiction of Native magistrates over Englishmen in criminal cases are, he assures us, of a kind which custom will not diminish, but will rather deepen and increase. Leaving to others the treatment of the detailed arguments against the Bill, he passed to the consideration of what is now the dominant factor in the case—the extraordinarily unanimous opposition of the whole Anglo-Indian population. He has no objection to giving to competent Natives an increasing share in the government of India, and he can appeal to his Indian career to show that no narrow and illiberal jealousy dictates his present conduct. But he thinks, as do thousands more who are honestly anxious to give scope for the just ambition

of Natives, that there are many ways of utilizing their abilities without meddling with the particular department which the proposed law invades. Jurisdiction over Englishmen in criminal cases ought to be one of the last proofs of our confidence in Native probity and impartiality, and can very well be withheld for a long time to come without in any appreciable degree hampering reformers who wish to develop Native capacity for administration. To be judged by their peers is the most dearly prized right of Englishmen, and the preservation of that right is incompatible with the transfer of criminal jurisdiction to men differing from them in race, religion, history, and education.

The chairman laid great stress upon the evidence that this feeling prevails not among this or that section, but among all classes who are practically acquainted with India. It is very probable that some men of ability and position can be found to defend the Ilbert Bill. The striking originality required to produce a measure of which no one approves, is not to be looked for in the Indian Government. But the point is that the overwhelming majority of those who have to live under Indian law, and in whose exertions lies the best hope of Indian advance, are, rightly or wrongly, convinced that the proposed change is a mistake; while among Indian officials, whether active or retired, the preponderant opinion is to the same effect. Sir Alexander Arbuthnot uses an argument alike legitimate and unanswerable when he points to the long list of official and non-official persons who have intimated their objections to the Bill; to the reports which prove that the general opinion of English administrators throughout India is hostile to it; and to the passages which show that, so far as authority is to be relied upon, the eminent Anglo-Indians of earlier days have condemned the present proposal by anticipation. It may be possible to produce a similar array of instructed opinions upon the other side. It may be that there are Indian officials, past and present, who have remained silent while this question was being debated, though fully convinced that the Ilbert Bill is wise and expedient. It may be that throughout India there is a great body of hitherto silent planters, merchants, and artisans who look with perfect equanimity upon the prospect of being judged by Natives. But in that case it is fair to ask that they shall be produced. At present the whole current of Anglo-Indian conviction appears to run strongly in the opposite direction, and while it does so, it must remain a thing which no wise Government will venture to

disregard. We might grant that the Bill is right in the abstract without in the smallest degree weakening the practical objections to passing it. By the showing of its friends its action will be of the most limited kind. Out of the vast and heterogeneous population of India, divided by every kind of religious, ethnic, and social barrier, it selects a mere handful of fortunate persons and declares them eligible for the post of judge in criminal cases affecting Europeans. In bringing about this infinitesimal result, it arouses the apprehension and the hostility of the whole body of Englishmen in or concerned with India. Is the game worth the candle? Is it desirable to do so much evil that so small a good may accrue? That is practically the question put by the chairman of yesterday's meeting, and it is one that peculiarly calls for the attention of statesmen, no matter what may be the abstract arguments for the Ilbert Bill. It does not do to dismiss the whole body of hostile opinion as the fruit of panic or unreasoning prejudice. Englishmen in India are of the same race as those who stay at home, and an opinion shared by a great number of them, possessed of more than the average intelligence and enterprise, deserves, at least, as respectful treatment as would be accorded to a popular vote in England. No one surely will be cynical enough to maintain that opinion is worthy of attention only when it directly disposes of the emoluments of office.

It is not necessary to follow in detail the arguments against the Bill adduced by the different speakers. They are already tolerably familiar to our readers. They were yesterday put forward with commendable moderation and candour, notwithstanding the temptation to exaggeration which a sympathetic meeting naturally offers. Mr. Seton-Karr did well in declining to adopt the cry that if the Bill were passed it would drive capital out of India. The influx of capital is undoubtedly regulated by the degree of security and comfort which capitalists enjoy; but nothing short of very violent legislation indeed could produce an effect sufficiently palpable to justify predictions of that kind. In our domestic legislation we understand perfectly well that while it is nearly impossible to ruin an industry, it is very easy to depress it. Nearly all the economic controversies of the last forty years have turned upon the removal of obstacles to commerce which, though troublesome, were well known not to be fatal. The case of Englishmen in India is quite strong enough to dispense with overstatement. There will not be a general exodus if the Ilbert Bill passes

any more than there will be a collapse of Indian society, if it is withdrawn. But the change of the law would unquestionably add to the risks of capital and the unpleasantness of life in India, just as some vexatious restriction may hamper and depress, without destroying, an industry at home. It is highly important for India that everything should be done to foster enterprise and to promote confidence, and it would consequently be a mistake to encourage the present dangerous temper of the natives by ostentatiously defying the universal and strongly expressed opinion of the English community.

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## LEADING ARTICLE IN THE "SATURDAY REVIEW."

(*June 30, 1883.*)

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THE assemblage of Anglo-Indians on Monday last was distinguished by some new and striking features. Platform oratory has been on the increase in India in spite of Lord Brougham's dictum that, in that country, men "neither debate nor write." But, except on the occasion of a royal marriage, a famine or tropical visitation, or the departure of some successful Governor or Commander-in-Chief, meetings in town halls have been generally confined to a class. Planters and merchants comprising Her Majesty's Opposition have met at intervals to denounce Her Majesty's Government when bent on some measure affecting indigo-planting, commerce, or the landed interests. During the Sepoy mutiny meetings were convened in India and in England to cast discredit on the noble policy of Lord Canning. On nearly all these occasions there has been a distinct cleavage in the ranks of Anglo-Indian Society. During the past week these distinctions have been effaced. Members of Council, Chief Commissioners, and other high executive and judicial officers were seen standing on the same platform with editors, influential merchants, and eloquent barristers long known for their skill in exposing the errors of Indian Administrations and expounding British rights. It is now quite impossible to speak in other than respectful terms of such an assemblage, or to call it a mere agitation of briefless lawyers, shrieking adventurers, or discontented civil and military officers.

Not less remarkable than the composition of the assembly were the varieties of reasoning and experience which led to a practical unanimity of conclusion. Sir Alexander Arbuthnot, as chairman, opened the proceedings in a

speech of singular dignity, force, and moderation. We can give it no higher praise than that, in argument and diction, it would have been equally appropriate had the speaker been still in his former place in the Council Chamber at Madras or Calcutta. With very trifling exceptions, the same abstinence from irritating topics or haughty denunciation of Oriental failings characterized the utterances of those who took up the subject where the chairman left it. There is good reason to believe that there was no previous concert between any of the movers or seconders about the division of subjects or the mode of attack. Any one of some four or five speeches contained matter enough to throw doubts on the policy of the Bill. Taken together, from the different points of view of the speakers, the addresses are simply overwhelming and irresistible. The subsequent meeting of the East India Association has not contributed a single fact or argument calculated to throw discredit on Monday's proceedings.

The existence and retention of a legislative anomaly in favour of the energetic, independent, and occasionally troublesome Englishman, was justified by reference to other anomalies which the most ardent legislator would never venture to touch. The enormous privileges of caste, the strange customs of marriage, divorce, death, and inheritance, had all been tolerated under British rule. Entrance into the Zenana is, for all judicial purposes, still barred to the English magistrate when on the track of criminals, and no Rani, Begum, or lady of rank, has ever been subpoenaed from her seclusion to appear as witness before even the highest judicial tribunal. Recently, the Legislature has stereotyped privilege in favour of Native gentlemen of position, and at the discretion, of the executive Governments has exempted them from attendance in civil suits before any Court in the country. In truth, there is no society in which privilege is so highly valued by the nobleman, is so little resented by the agriculturist or trader, and sits so lightly and easily on the mass of the community, as is the case in India. It was, after this, not difficult for the speakers to justify the exemption which the Englishman claims. A dealer in country produce, a tea-planter, an agent for some house in Cachar, Assam, the Wynaad, or the Doon, through his own act or that of his Native staff, becomes involved in litigation. A charge is brought against him, not grave enough to warrant his committal to any one of the High Courts, though quite



serious enough to impair his prospects and character, and to subject him, before the magistrate or the judge, to sentences respectively of three months or one year. Is there anything calculated to shock our notions of equity, propriety, and fairness in the demand that the trial should be held before an Englishman, who, to a knowledge of law and Native languages, adds an appreciation of the character, position, and proclivities of his erring or unfortunate countryman? The "anomaly" would be really greater if, in the case of isolation from friends and counsel, the trial took place before a single Native judge. This argument was backed up by evidence showing that several experienced Natives were prepared, not to accept, but to deprecate this new responsibility; that in any action where English susceptibilities were much excited there would be more danger of inability on the part of a Native magistrate to deal sternly with facts, and of a miscarriage of justice; and that the spectacle of the ordinary loafer brought before a similar functionary might be about as edifying as that of the sailor who in Marryat's novel was brought before the Pasha, and got off by telling wonderful yarns. It was also shown, in handling this portion of the subject, that the advocates of the Bill, abandoning the ground of anomalies, have based their pleas on the high qualifications of the Native judge and the necessity for giving full and free scope to his legal knowledge and ability. It is surely more correct to say that in criminal proceedings, if any consideration is to be shown, it should be shown to the accused. It is not for any judge to claim the class of prisoners whom he is to try. In all civilized countries it is the prisoner who may object to the summary jurisdiction of a magistrate, or claim trial by jury, or challenge the list of jurymen. In India, where, as it was pointedly said on Monday, a magistrate in less advanced districts must be counsel for the prosecution, counsel for the defence, jury, and judge, it is not so very illogical, inequitable, anomalous, or inconsistent, for the prisoner to demand that the person who has to discharge all these varied functions should be one of his own colour and creed.

But the arguments against the Bill were supported by facts of far more vital significance than the weighty testimony of ex-judges and Commissioners, or the witty and forcible illustrations of Irish advocates. It is now admitted that a second reference to men outside the Simla ring—that is, to the district officers who are not yet obliterated by the Bill for Self-Government—has resulted in a remarkable

opposition to the Bill. It has also been discovered that, owing to railroads and accelerated communication by post and telegraph, an electric touch of sympathy runs through the whole English community. When Macaulay was burnt in effigy in 1836, it was a far cry from Madras or Bombay to Calcutta. Now it is known that meetings will be held on the same day at Silchar and at Mercara; and, while an orator is addressing an enthusiastic meeting in the Town Hall in Calcutta, his auditory may be inflamed and excited by the news that their sentiments are being reciprocated by an equally important assemblage, convened for the same purpose, at that very moment at Madras. The expressions that rise to the lips on such occasions, though not invariably in the purest taste, are almost excusable when we know for certain that Mr. Ilbert's Bill was not designed to remedy any one positive defect or administrative failure; that no executive officers had uttered one word of complaint against Englishmen as either defying or obstructing the ordinary courts of justice; that, as regards the mass of the Native community, it would confer not the smallest benefit nor remove the minutest grievance; and that the whole question had been taken up, analyzed, and dropped so lately as 1872. Well might the speakers ask whether it was the deliberate intention of the Indian Government to supply fuel for fresh agitation every ten years. Then, too, the anomaly of certain exceptional privileges still to be reserved to the Englishman, even if the Bill should pass, would remain as glaring and offensive as ever, and would again tempt the attack of the Native agitator and the prentice hand of some legislator not troubled with results, and nourished, as Macaulay said, on trope and figure in the cloisters of Oxford.

The tendency of all unnecessary legislation in England may be merely to harass a few interests, to hamper freedom of contract, and to provoke the jealousies and rivalries of classes. But a similar policy in India makes good government almost impossible, and raises questions which strike experts with positive awe and dismay. Prominence has now been given to every sentiment which ought to be kept out of sight. Maxims on which statesmen are prepared to act quietly if necessary, without always parading them in laws, proclamations, and manifestoes, have been openly brandished in the face of agitators taught by English education to feel ashamed of their previous debasement. Old antipathies have been revived; violent

contrasts suggested ; controversy has been embittered ; and any strong language employed by English journalists has been outdone by the virulence and mendacity of Native scribblers. Hardly a speaker at the meeting but was prepared to produce private letters or to quote extracts from Native papers showing a tension on one side and a violence of invective on the other without a parallel since the days of 1857. In face of this raging tempest of controversy one or two journalists bid the Government to stand "firm" and pass the Bill. Sir W. Harcourt once compared the action of his opponents to that of an engine-driver, who, seeing the signal of danger, puts on fresh steam. If, after the reference to experienced officials, the alarm of residents in India, the temperate but forcible language of the speakers at St. James's Hall, and the comments of the daily Press, the Government persist in turning the draft into law, they will much resemble the driver of an express train, who seeing from afar both lines strewn with shattered trucks and splintered carriages, refuses to apply the break, and hurries on to increase the universal havoc. And, amidst all doubts, prophecies, denunciations, and fears, we may be pretty sure of one thing—that, had the removal of any anomalous caste privilege or "incongruity" affected any considerable portion of the Native community, and had it excited amongst them one-half the amount of opposition not unreasonably shown by the whole English population, we should very soon have heard the last of Bills for removing anomalies and blots.

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# LETTER OF THE JUDGES OF THE HIGH COURT OF CALCUTTA.

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From Mr. C. A. Wilkins, Officiating Registrar of the High Court, to the Secretary of the Government of India, Legislative Department.

High Court, English Department, Criminal. Present.—  
The Hon. Sir Richard Garth, Knight, Chief Justice, the Hon. H. S. Cunningham, the Hon. W. F. M'Donell, V.C., the Hon. H. T. Prinsep, the Hon. L. R. Tottenham, the Hon. A. T. Maclean, the Hon. J. F. Norris, the Hon. J. Q. Pigot, the Hon. J. O'Kinealy, the Hon. C. J. Wilkinson, the Hon. W. Macpherson, Judges of the Court.

CALCUTTA, May 23, 1883.

SIR,—In reply to your letter, No. 16C, of the 16th of March, 1883, asking for an expression of the judges' opinion on the provisions of the Bill to amend the Code of Criminal Procedure, so far as it relates to the exercise of jurisdiction over European British subjects, I am desired to say that the judges have considered the Bill, together with its annexures, and the abstract of the proceedings of the Legislative Council, so far as they relate to that measure.

2. The judges consider it to be their duty to express without reserve the views which they entertain, not only upon the form and language of the Bill, but on its general policy and probable effects.

3. The statement of objects and reasons sets forth that, "after consulting the Local Governments, the Government of

India has arrived at the conclusion that the time has arrived for modifying the existing law and removing the present bar upon the investment of native magistrates in the interior with powers over European British subjects ; and that the Government has, accordingly, decided to settle the question of jurisdiction over European British subjects in such a way as to remove from the Code, at once, and completely, every judicial disqualification which is based merely on race distinctions."

With this view the Bill amends section 22 of the Criminal Procedure Code, which at present restricts the appointment of justices of the peace to European British subjects, by empowering the Government to appoint any magistrate of the first class, who is either (a) a member of the Covenanted Civil Service, or (b) a member of the Native Civil Service constituted under 33 Vict. cap. 3, or (c) an assistant commissioner in non-regulation provinces, or (d) a cantonment magistrate, to be a justice of the peace.

4. The Bill next amends section 25 of the Code, so as to provide that all sessions judges and magistrates of the district shall be justices of the peace for the territories of the Local Government under which they are serving. It then repeals so much of sections 443 and 444 of the Code, respectively, as limits jurisdiction over European British subjects to such magistrates and sessions judges as are themselves European British subjects.

5. Accordingly, if this Bill becomes law, the effect will be that (1) all Native sessions judges and magistrates of the district will, *ex officio*, exercise the same jurisdiction over European British subjects as is now exercised by European officials of the same class ; and (2) the Government will be empowered to invest any Native magistrate of the first class, who is either a covenanted civilian, or has been appointed under 33 Vict. cap. 3, or is an assistant commissioner in a non-regulation province, or a cantonment magistrate, with the jurisdiction over European British subjects, which by the existing law is restricted to European British subjects.

6. Thus, a Native magistrate, who has been appointed to be a justice of the peace, will have jurisdiction (1) to inquire into any charge against a European British subject, and either commit him to the Sessions Court or High Court ; or (2) if the offence be one ordinarily triable by a magistrate, to try it and impose a sentence of three months' imprisonment, or fine up to Rs. 1,000, or both. A Native sessions judge or assistant judge, empowered under Section 444, will

be competent to try a European British subject for any offence not punishable with death or transportation for life, and to impose a sentence of one year's imprisonment or fine of unlimited amount, or both. Cases for which, in the sessions judge's opinion, such a punishment is inadequate, will be transferred to the High Court.

7. Offences punishable with death or transportation for life will remain, in the case of European British subjects, exclusively triable by the High Court. The European British subject will retain his right, under Section 451, of claiming a mixed jury or mixed assessors, his special rights of appeal, under Chapter 31, and his right of applying to the High Court, under Section 456, in case of unlawful detention.

8. It must be remembered that in India the powers of police investigation, magisterial inquiry, and judicial trial are closely connected, and are frequently combined in the same official. Under the Code of Criminal Procedure, as it now stands, any district or subdivisional magistrate, as well as any other magistrate specially empowered in that behalf (Section 191), may take cognizance of any offence, that is, initiate criminal proceedings in respect of any offence, (1) upon a complaint made, (2) upon a police report thereof, (3) upon information received from any person other than a police officer, or (4) upon his own knowledge or suspicion that such offence has been committed.

9. It is the duty of the district or subdivisional magistrate to direct investigations by the police. He receives their daily reports, and very often has to instruct them on points which he may think that they have overlooked or misapprehended. It sometimes even happens that the investigation is taken out of the hands of the police and conducted by the magistrate himself (Section 159). The result of this is that the chief local magistrate practically becomes the prosecutor, and may become the judge, notwithstanding that he may have formed a strong opinion on the case behind the back of the accused without having heard his explanation or defence. This is the system in force in India; and although it is probably, for administrative reasons, unavoidable, it is an extremely dangerous system. It has certainly provoked adverse criticism; that it has not provoked more is probably due to the careful superintendence bestowed by district magistrates, who have in Bengal hitherto been English gentlemen of the Covenanted Civil Service, whose education and training have made them fully sensible of the responsibilities which such a system as that described imposes on

them in their own proceedings, and also in supervising the proceedings of their subordinate subdivisional magistrates. The present law protects European British subjects from the exercise of this dangerous combination of duties by any one but their own countrymen. The Bill under consideration proposes to remove this protection.

10. The general result, accordingly, of the proposed amendments will be to leave European British subjects in the possession of various important rights as regards the class of officer who can commit or try them, the form of trial, the right of appeal, and the power of invoking the aid of the High Court when they are unlawfully detained in custody; but to deprive them of the right, which they at present enjoy, that in every case the inquiry or trial shall be conducted by a European British subject. It will become the duty, *ex officio*, of Native officers of a particular class to commit or try European prisoners, even in cases in which, in person or through the police, they have initiated investigations affecting them; and the Government will be empowered to select from a wide area such other Natives as it thinks well to invest with such powers.

11. The position in which European British subjects would be placed by the proposed changes, is one which they have never yet occupied, and in which the Legislature has on several occasions deliberately determined that it would not be wise to place them. On a review of the course of legislation since 1793, it is impossible, the judges consider, to doubt that the intention and practice of the Government has been to surround the investigation and trial of offences, charged against European British subjects in the Mofussil with special precautions, and among those precautions to restrict the jurisdiction in such cases to European officials. Any doubts which the wording of particular Acts, as, *e.g.*, Act 7 of 1853, might have occasioned, have been removed by the express declarations of the Codes of 1861 and 1872, in both of which this restriction was deliberately enacted.

12. On the other hand, as regards European officials, the result of the proposed change will be to curtail considerably the powers now exercised by Government in the appointment of justices of the peace. At present the Government can appoint such European British subjects as it thinks fit to be justices of the peace. This power has been hitherto extensively employed, and Europeans, other than covenanted civilians, have been appointed to be justices of the peace, and dispose in a manner which the judges believe to be satis-

factory, of cases in which Europeans are concerned. Under the amended section the Government will be unable to appoint any one who does not fall within one of the four classes specified in the amendment. There are at present in Bengal many such justices of the peace whose appointments would have been impossible under the amended section.

13. The first argument adduced in favour of the proposed change in the law, which the judges propose to consider, is that on which his Excellency the Viceroy grounded his support of the Bill in the discussion of the 9th March in the Legislative Council—viz., the expediency of taking at once a step which the policy of admitting Natives to the Service rendered sooner or later inevitable. "It is clear," his Excellency observed, "that though there is not at the present moment an irresistible necessity for introducing this measure, as Lord Lytton's system develops, an irresistible difficulty will arise. When you have one-sixth of the Civil Service composed of Natives, it will be impossible to maintain the present restriction. Therefore, what we had to consider was, is it better to wait until this necessity becomes overwhelming and irresistible, or is it better to introduce the system now? I confess it appears to me that it is far wiser, and far more in the true and substantial interests of those over whom this jurisdiction is exercised, that it should be introduced now, when the persons who would obtain these powers are very limited in number: when the circumstances under which they enter the Civil Service insure their ability and character, and when all their proceedings can be carefully watched. Being few in number, it will be easier now than afterwards for the attention of the Local Governments and the public to be directed to their proceedings, and, being the men they are, it seems to me that they would be likely to set a good example and give a good tone to those who come after them. I hold it, therefore, to be wiser to introduce the measure now, gradually, cautiously, and tentatively, than to wait till the change is forced upon us by necessity, and the powers which are now to be given only to a few men have to be given suddenly to a very much larger number of Native Civil Servants. This is the ground upon which I thought that the time had come when this change could best be made."

14. The judges fully appreciate the necessity of adjusting the judicial machinery of the Courts to the declared policy of the Secretary of State as regards the employment of Natives in the judicial service. But they do not perceive



that that policy necessarily involves any such change as that now suggested; nor, in any case, do they consider that the proper moment for making such a change has arrived, or that materials at present exist for deciding on the form which it ought to assume.

The table below\* shows that of the civilians on the Bengal list there are at present twelve Natives, either covenanted civilians, or persons admitted under 33 Vict. c. 3. Of these, two have been over eleven years in the service, one over ten, one over nine, one has been over seven years. The rest have been under five years, and of these, five have served less than three years. Moreover, since 1875 only one Native civilian has passed through the competitive examination, and that was in 1879. Since that year all the admissions have been under the Statute. There are, accordingly, only four officers who, in the ordinary course, would for some time to come be either magistrates of the District or Sessions judges. As regards the rest no question is likely to arise for several years.

15. These figures appear to the judges to indicate that the question of the jurisdiction of Native civilians over European British subjects cannot be regarded as in any way pressing for immediate solution. Though it may be intended that Native officials shall ultimately constitute a sixth of the entire Civil Service, there do not appear to be grounds for expecting that this intention will be realised for many years to come. It would appear, moreover, that various causes have, of late years, led Native candidates to refrain from seeking admission to the Civil Service by the competitive examination, and that the main body of Native civilians will for the future be those who are appointed in this country under 33 Vict. cap. 3. Such a state of things scarcely seems to justify prospective legislation on the ground that an irresistible necessity is impending, which can be at present more conveniently and safely met than at a later date. The covenanted Native civilians, who have passed into the service by the competitive examination, constitute, it is apparent, a small and dwindling class. So far as can be judged at present, the supply has come to a standstill; nor, as to admissions under 33 Vict. cap. 3, does it appear that the Local Governments have found it feasible to carry out the provisions of the Act except on a very limited scale. Three officers appear to have been appointed in Bengal in 1880, one in 1881, one in 1882. At present, therefore, the measure

\* See table on p. 58.

Names of Native Civilian appointed (1) in England, and (2) in India.	Date of Joining the Service.	Appointments Held.		Approximate years when Officers will become eligible for appointments either as		Remarks.
		Substantive Appointments.	Officiating Appointments.	Officiating Magistrates.	Or as Officiating Judges.	
Appointed in England :— Mr. R. C. Dutt ...	July 10, 1871 ...	Joint Magistrate, 2nd Grade	Magistrate and Collector 3rd Grade ...	...	...	He was first appointed to officiate as a Magistrate in September, 1881. He has elected the Judicial line.
Mr. B. L. Gupta ...	July 10, 1871 ...	Presidency Magistrate	Nil ...	...	1883	On furlough. He was appointed to act as a Magistrate in August, 1880. He has been offered an Acting Magistracy.
Mr. A. Burooah	July 9, 1872 ...	Joint Magistrate, 2nd Grade (Substantive pro tem.)	Nil ...	...	...	
Mr. K. G. Gupta ...	June 30, 1873 ...	Assistant Magistrate and Collector	Joint Magistrate, 1st Grade ...	...	...	
Mr. B. Dé ...	July 19, 1875 ...	Assistant Magistrate and Collector	Joint Magistrate, 2nd Grade ...	...	...	
Mr. K. J. Badshah	September 8, 1879	Assistant Magistrate and Collector	Nil ...	1884 1886	1886 1888	
Appointed in India :— Koomar Rameswar Sing ...	March 2, 1878 ...	Assistant Magistrate and Collector	Nil ...	1883	1890	
Daboo Nanda	January 27, 1880	Assistant Magistrate and Collector	Nil ...	1883	1890	
Krishna Bose ...	December 28, 1880,	Assistant Magistrate and Collector	Nil ...	...	...	
Koomar Girindro Narain Deb ...	November 3, 1882	Assistant Magistrate and Collector	Nil ...	...	...	Has not yet passed the departmental examination by the higher standard.
Baboo Gopendra Krishna ...	February 3, 1880	Assistant Magistrate and Collector	Nil ...	...	...	Has not yet passed the departmental examination by the higher standard.
Koomar Satya Sree Ghosal ...	December 27, 1881	Assistant Magistrate and Collector	Nil ...	...	...	Has yet to pass by the lower standard.
Maui Ashumuddin Ahmed ...		Assistant Magistrate and Collector	Nil ...	...	...	Has yet to pass by the lower standard.

N.B.—The last four officers have not yet passed their examinations completely, and as officers are not considered eligible for promotion until they pass fully, it is difficult to determine the probable time when they will rise to the rank of Officiating Magistrates or Officiating Judges. It takes an officer seven years or thereabouts from date of passing to rise to the position of an Officiating Magistrate, and about nine years to get an Officiating Judgeship.

can, it is obvious, scarcely be regarded as having passed beyond the stage of an experiment. How these officials will turn out, is a question on which it is at present, and must be for some years to come, impossible to form any confident opinion. Even as regards the earlier appointments, the judges are of opinion that they have been too few in number, and, in the majority of instances, have lasted for too short a time, to afford material for any safe generalisation, or to justify, on the ground of ascertained fitness, a change in the policy of Government which would take away from European British subjects a privilege which, it is apparent, they regard as of high value and importance.

16. If some years hence, owing to the number of Native civilians having greatly increased, any administrative difficulty should arise and a change in the existing arrangements be considered necessary, such a change will, the judges think, be more safely made at a time when there are better means than at present of judging, both of the administrative difficulties which have to be met, and of the capacity and character of the class of officials whose powers and responsibilities it will have the effect of enlarging. The increase in the number of Native officials will not render the supervision of their behaviour in any way more difficult than it is at present. On the other hand, longer experience and a better acquaintance with the particular points as to which supervision is found to be necessary would enable the superintending authority to perform its duties more efficiently. At any rate legislation, should it hereafter be necessary, would proceed on a basis of practical experience, not, as it is likely to do now, on mere conjecture as to the conduct and character of officers about whom scarcely anything is known.

17. In considering the question whether legislation is at present advisable, it is necessary to keep in view the wide distinction which exists between Native officers who have entered the Civil Service by competitive examination in England, and those who are nominated under 33 Vict. cap. 3, in this country. The judges are not prepared to admit that, even as regards the former class, the proposed change in the law is any way necessary or desirable; but here there is, at any rate, some guarantee for ability, moral character, and such insight into the feelings of Englishmen as a short residence in England may be supposed to confer. On the other hand, with the statutory civilians there is absolutely no guarantee against the existence of the very defects which constitute the grounds of the reluctance of European

British subjects to submit to their jurisdiction in criminal trials. They are described by the Judicial Commissioner of Oude in a document, forwarded by the Lieutenant-Governor of the North-Western Provinces with his own reply to the Government of India, as "often being men saturated with caste and religious prejudice, and ignorant of European modes of thought and feeling." One object of the statute was, the judges believe, to enable the Government to enrol in the ranks of its service Native gentlemen of high birth and social position. It is easy to imagine cases in which a gentleman might have on these grounds great claims to a nomination under the statute, who might yet be conspicuously deficient in many of the qualifications which are admittedly essential in the judge who is to deal with cases in which European British subjects are concerned. It must be remembered that it is with officials of this class, not with successful competitors in the Civil Service examination, that, in considering the present question, we have principally to deal; nor can the judges lose sight of the fact that these statutory civilians will be appointed by a system of nomination which was abandoned by the Government twenty-five years ago in favour of competitive examination, and which can scarcely be expected to work more satisfactorily in India than it did in England. On the officers thus nominated the proposed change will confer a jurisdiction unknown to English law, a combination of inquisitorial, magisterial, and judicial powers, which may be justified by the necessities of the case of India, but which Englishmen in India may with some reason contend should continue to be exercised in their own case, as it is at present, only by officials for whose competence or character they have some adequate guarantee.

18. The apprehensions which many Europeans entertain as to the results of the proposed change, are not, in the judges' opinion, without foundation. There is no doubt that the position of Europeans in the Mofussil has many disadvantages. They are often completely isolated, they live among people alien to themselves in religion, nationality, social habits, and political ideas. As owners of property and employers of labour they are necessarily brought into collision with classes or individuals whose interests conflict with their own; and it is impossible to ignore the fact that such a state of things exposes them to very considerable risks. The attention of the Government was forcibly drawn to this fact by the Hon. Sir Steuart Bayley in the debate of March 9. "There is," he said, "another aspect to the case of

the opposition which I think deserves most attentive consideration, and this is the real danger which the isolated European, living in the Mofussil, runs from false cases trumped up against him. It is right that I should state publicly that this danger is a very real and very serious one, for probably no member of this Council has had the same experience as I have, of the lives led by planters in the Mofussil. My own experience has given me a strong feeling on this matter, and anyone who knows the extreme bitterness with which disputes about land are fought out in the Mofussil, and the unscrupulous methods to which recourse is had in conducting these disputes before the Court—methods to which a planter cannot have recourse—will understand how precarious his position may become, and how essential to him it is that the law should be well and wisely administered."

19. The judges concur in the views here expressed; and they consider that the dangers thus described in the case of planters and manufacturers would be even greater in the case of persons in a humbler position in life, railway *employés*, artificers, and the like. These men are continually brought into contact with Natives in ways which may easily give rise to misunderstandings and ill-will. Should an accusation be brought against them, they labour under great disadvantages; they are often isolated from other Europeans; they generally have but an imperfect acquaintance with the vernacular languages; they are unable to retain the costly services of European advocates; and they might, in some circumstances, find it impossible to secure the assistance even of Native practitioners. It is easy to see how the grossest injustice might easily be inflicted in such cases by an officer who from any cause failed fully to realize the position of the accused. It is at any rate certain that Europeans of this class would feel an entire want of confidence in any but a European tribunal. On the whole, after making every allowance for temporary excitement and agitation, it is, the Judges think, impossible to doubt that European residents in the Mofussil do really consider themselves to be, and in fact are, in a position which justifies them in regarding the privilege of being tried by a European, on whose independence and impartiality they can fully rely, as one of very real importance to them.

20. Accordingly, as the number of Native officials who will be affected by the proposed change is extremely small; as it seems probable that the majority of Native officials will for the future be statutory nominees, appointed in this coun-

try without any guarantee as to ability, and not necessarily possessing any acquaintance with the habits or feelings of Englishmen ; as there is no evidence of any real demand for any such alteration ; as the proposed change will disqualify a class of European officers who at present perform their duties to the entire satisfaction of the Government and the public ; and as it cannot, it appears, be effected without a revival of animosities and class feelings, which are, on every account, to be deplored, the judges consider that nothing short of grave and pressing reasons could justify its introduction.

21. But, so far as their own observation goes, the judges are unaware of the existence of any of the reasons on which a legislative change is usually demanded. In the exercise of their duties of superintendence and revision, they have occasion to watch attentively the working of the criminal courts, the returns of which are continually before them. Nothing in those returns indicates that there is at present any administrative inconvenience, any miscarriage of justice, any hardship inflicted on prosecutors, witnesses, or accused, or any dissatisfaction felt with the provisions of the Code as to the jurisdiction of the Courts. Some provisions of the Code are, the judges are aware, believed by some persons to operate severely, and any measure for the reform of these would deserve consideration. It might be well, for instance, to consider the possibility of extending to Natives in the Mofussil, under certain conditions, the right of the nature of a habeas corpus, now exclusively enjoyed by Europeans, of applying to the High Court in cases of unlawful detention. But as regards the powers conferred on the several classes of Courts and the rights enjoyed by European British subjects in criminal cases, the judges are not aware that there is any feeling of grievance or, except among a few individuals, any wish for change. On the contrary, the judges believe that the privileges now enjoyed by Europeans are readily acquiesced in by the main body of Natives, who understand and sympathise with the natural desire of Europeans to be tried by their own countrymen, and who appreciate the evils to which any alteration of the existing law may probably conduce.

22. They are confirmed in this view by the fact that, though the Criminal Procedure Code was for several years under consideration, and was criticized minutely by every Local Government, and though a very large body of official opinion was collected from every rank in the service, no suggestion on the subject was made by any responsible autho-

rity till Sir A. Eden's communication of the 20th March, 1882, enclosing Mr. Gupta's letter of 30th January, 1882.

23. The judges find that their views as to this part of the subject are endorsed by his Honour the Lieutenant-Governor, who, in his speech on the 9th March, observed that "there were a great many facts which supported the contention that there is no administrative difficulty in connection with the matter," and expressed his conviction that "this measure is unnecessary in the present condition and constitution of the Native judicial covenanted service in Bengal."

24. On these grounds the judges are of opinion that there is nothing in the present condition or prospects of the service which renders a change of the law expedient; nor do they think that any necessity is likely to arise within any period sufficiently near to require or justify legislation, especially when that legislation arouses apprehensions and animosities which are on every ground matter of regret.

25. In connection with this part of the subject it may be well to point out that the rapid development of railway and telegraphic communication, which has been urged by some of the supporters of the Bill as a reason for considering it to be free from danger, goes far, and will year by year go farther, to meet the argument based on administrative necessity. There are few parts of India, and there will soon, it is to be hoped, be none, in which a European cannot be forwarded to any place in which it may be desired to try him, with ease, speed, and economy. Europeans in India are, for the most part at the present day, for all practical purposes, far nearer to the tribunals to which they are subject than they have ever been before; and their transmission from one place to another will year by year become a matter of less difficulty.

26. The foregoing considerations, in the judges' opinion, sufficiently dispose of the question of the expediency of introducing the measure at the present time. But some of the grounds on which the defence of the proposed change in the law was rested by the supporters of the Bill seem to the judges to call for observation. In the first place, as to the reasons adduced for the change. "The only object we have in view," it was observed by the honourable member who moved the introduction of the Bill, "is to provide for the impartial and effectual administration of justice. It is by this test that we desire our proposals to be tried." Tried by that test the proposal seems to the judges indefensible, for no one has suggested that the present administration of

justice is not effectual and impartial, or that it will become in any degree more impartial or more effectual by the proposed alteration. On the contrary, the proposal is that a class of cases, which are admitted to be of so "exceptionally troublesome and difficult a character" as to justify their exclusion from the cognizance of any but specially qualified tribunals, shall be no longer confined to a class of officials who, in their disposal at present give entire satisfaction and command entire confidence, but shall become cognizable by officials who, speaking generally, offer a less complete guarantee for impartiality and independence—who necessarily labour under the disadvantages arising from difference of nationality and social habits, and in whom the portion of the community concerned confessedly places less confidence than in the existing tribunals. If, as the honourable member says, the trial of Europeans is "apt to put an exceptionally severe strain on the judicial qualities of tact, judgment, patience and impartiality," it is difficult to understand how the interests of justice can be promoted by committing these cases to officials who are regarded, and, the judges consider, rightly regarded, as less qualified to deal with them than those who at present are empowered to do so. Under the proposed law any Native Assistant-Commissioner who has served long enough to become a first-class magistrate might, in Assam or in any other non-regulation province, be empowered to commit or try Europeans. Europeans may not unreasonably regard such an arrangement as providing less satisfactorily than the existing law for the impartial and effectual administration of justice in their own case. It is no disparagement of the integrity or ability of a Native judge to say that he is necessarily more amenable to the external influences to which popular feeling, local prejudice, or the wishes and interests of powerful individuals may give rise, than is a European officer, to whom such matters are for the most part unknown. It would be easy to conceive cases in which it would require no ordinary fortitude and independence on the part of a Native official to run counter to the prevailing sentiments of the society in which he lives. It not unfrequently happens that our superior officials are asked to transfer an important case from some Native judge or magistrate, not because from deficiency of experience or judicial knowledge he is unable to try it, but because one side or other apprehends (and sometimes even both sides unite in this respect) that some unknown or improper influence will be brought to bear on that officer.



27. In this respect it is necessary to point out that the present measure differs fundamentally from those by which in years past Europeans have been brought gradually within the jurisdiction of the civil and criminal courts. On each of these occasions the reform had this strong justification, that it was really demanded in the interest of an impartial and effectual administration of the law. Justice could not, it is obvious, be done between Europeans and others either in civil or criminal cases, so long as a European could be brought before no tribunal nearer than the presidency town. Such a state of the law was in many cases tantamount to a denial of justice, and in criminal matters it practically, in all but very serious cases, secured impunity to the favoured class. On these grounds the changes heretofore made were justifiable and wise. But on the present occasion it cannot be suggested that the change will make the trial or punishment of European criminals in any one respect easier, speedier, cheaper, or more certain.

28. One of the grounds most frequently alleged in support of the Bill was that the present state of the law was anomalous, and that this anomaly justified legislation. As to this, it is, the judges think, enough to point out that the entire structure of Indian society and the British administration rests on personal laws, under which particular classes or individuals enjoy special rights apart from the general law applicable to the entire community. These rights have been solemnly guaranteed to the inhabitants of the country, and are conscientiously respected by the Legislature and the Courts. The principle laid down in the preamble of 21 Geo. III. c. 70, that it was "expedient that the inhabitants should be maintained and protected in the enjoyment of all their ancient laws, usages, rights, and privileges," has been consistently maintained; and the Act which at present regulates the Civil Courts in Bengal (Act 6 of 1871) expressly provides that, in all questions regarding succession, inheritance, marriage, or caste, or religious usage or institution, the personal law of Hindoos and Mahomedans shall be the rule of decision. These personal rights are observed, so far as the judges are aware, with equal care and with ready acquiescence by the people in their dealings with one another. They are insisted on by the class concerned whenever they appear to be endangered. Only a year ago the entire Hindoo and Mahomedan communities were exempted from some of the most important provisions of the "Transfer of Property Act" out of respect to the wishes of certain native gentle-

men who were apprehensive that the proposed enactment might be regarded as discountenancing their view of the Hindoo law. Such being the universal rule, the English in India may, the judges think, with some reason, demand that a like regard may be paid to their personal rights, for which they have at any rate the prescription of long usage, which they highly prize, and which are not shown to conflict in any way with the rights of any class. The question asked in the course of discussion on the Code of 1872, when the law was placed on its present footing, seems to the judges extremely pertinent—are English people to be told that, while it is their duty to respect all these laws scrupulously, they are to claim nothing for themselves? That, while the English Courts are to respect and even to enforce a variety of laws, which are thoroughly repugnant to all the strongest convictions of Englishmen, Englishmen who settle in this country are to surrender privileges to which, rightly or otherwise, they attach the highest possible importance?

29. Another ground urged in support of the proposed change in the law is the invidious character of the existing distinction. If by “invidious” is meant that the law, as it stands, unfairly benefits Europeans to the detriment of Natives, or that the privilege now enjoyed by Europeans can justly be regarded as offensive to Native feeling, the judges are unable to see any foundation for such a charge. It is not suggested that the rights now enjoyed by Europeans should be extended to the entire community, or that the proposed change would improve in any particular the general administration of the law. If by the abolition of the present rights of Europeans the Natives would be benefited, the balance of advantages might have to be struck; but this is not the case. No practical advantage for Natives is to be gained.

30. If even, apart from considerations of practical benefit, there were reasons to think that the present state of the law was, or could reasonably be, regarded by Natives as humiliating or insulting to them or their countrymen, the judges would consider that the possibility of remedying such a state of things deserved serious attention. But they cannot believe that such is the case. There is nothing in the existing law which implies any personal disparagement to any one. There may be in the ranks of the Native service officials who resent the existing law because it impliedly recognizes the existence of a difference between Europeans and Natives, and because they regard such a recognition as

obsolete, injurious, and oppressive. The judges cannot regard such feelings as deserving of sympathy or consideration. Those differences, as a fact, exist, and any attempt to ignore them would, the judges believe, be unwise and disastrous. So far as the present measure encourages the belief in any class of the community that such differences have ceased to exist—that Hindoos and Englishmen can live side by side, not only with just and equal laws, but with absolute identity of *status* in every particular—it must, the judges consider, be regarded as a probable source of future difficulty. No reasonable official need feel aggrieved or humiliated because the law lays down a general rule that a class of especially difficult cases shall be tried by the officials who are confessedly most competent to try them, to whom their trial has hitherto been invariably confined, and to whom the class concerned earnestly desires that they should continue to be restricted. As was observed in the debate in 1872, “The privilege as to the jurisdiction is the privilege of the prisoner, not the privilege of the judge. The European has an objection to be tried by a Native. Considering the position in which he stands, the question is whether you will put him in a position in which he does not at present stand. You place no slight upon a Native by saying that he can only try a man of his own race. What is there against the feelings of the Native in that? Why should any one feel a slight because he is told that a particular man is to be tried in a particular way. On the other hand, it is a feeling, and not an unnatural one, that a man should wish to be tried by his own countrymen.” This feeling, as a fact, is recognized by the provisions of the code which allow Europeans and Natives alike to claim that at least half of the jury by which they are to be tried shall consist of persons of their own race.

31. Much reliance has been placed on the argument that for many years past Native magistrates have in the Presidency towns exercised jurisdiction over European British subjects without giving rise to complaint. As to this, it is, the judges think, enough to say that the position of the Presidency magistrates, from the close proximity of the High Courts, the facilities thus afforded for supervision and control, the presence of a large and influential Bar, the activity of the local Press, and the influence of public opinion, renders it safe to entrust these officials with far more extensive powers than could be safely conceded in the case of Mofussil magistrates. This view has been adopted by the Legislature, which empowers (C. P. C., 411) a Presidency magistrate to

pass a sentence of imprisonment for six months or fine of Rs.200 without any appeal, whereas in the Mofussil, first-class magistrates and sessions judges are unable to pass a higher sentence than one month or Rs.50 fine without appeal ; and in the case of European British subjects no order passed by either is unappealable. For these reasons the judges cannot consider the experience of the Presidency Magistrates' Courts as in any degree justifying the investment of native officers in the Mofussil with jurisdiction over Europeans.

32. Lastly, the judges have to consider the question of the finality of the Bill. They are, of course, perfectly satisfied that any assurances which may be given by the present Government or any members of it in that respect will be fully and faithfully adhered to. But such assurances would not be binding upon any future Government, and still less upon the native community. There would seem to be no elements of finality either in the Bill itself or in its subject matter. There is no reason why those, in deference to whose wishes the Bill has been introduced, should accept it otherwise than as a prelude to still larger concessions ; and it may probably be more difficult in the future for Europeans to protect their rights when the principle upon which those rights depend, has once been invaded.

33. The judges have endeavoured in the preceding remarks to explain why they consider the grounds for the introduction of the Bill to be insufficient. They believe that they have shown that it is justified by no necessity, either immediately present or sufficiently near at hand to require consideration ; that the native civilians who enter the service by competition are a small and dwindling class ; that nothing is as yet, or can be for many years, known of the officers appointed under 33 Vict. c. 3, except that they have not had the residence in England which is supposed by some to render the covenanted civilians competent to exercise the proposed jurisdiction ; that the circumstances of Mofussil life render the present privileges of Europeans in the Criminal Courts not a mere sentimental gratification, but an important safeguard against a real danger ; that the measure cannot be defended as contributing to the more effectual and impartial administration of justice—an object which the present law sufficiently attains, and which it is not pretended that the amended law would attain any better ; that in this respect the present Bill differs from former measures of a like nature, which had for their object the removal of an acknowledged grievance ; that the anomaly involved in the

present state of the law is merely one instance of a state of things on which the entire structure of Indian society depends ; that the right which the proposed legislation will take away, ought not to be, and in fact is not generally, regarded as invidious or oppressive ; and finally, that the Bill does not possess the elements of finality claimed for it, but on the contrary must, whatever be the wishes of the Government, be hereafter made the standing ground from which innovations will be demanded. On these grounds the Judges feel bound to express their strong disapproval of the Bill.

34. I am directed to state that the Hon. Mr. Justice Mitter will record his opinions on the subject of the Bill in a separate minute.—I have the honour to be, Sir, your most obedient servant,

C. A. WILKINS, Officiating Registrar.

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# PETITION TO THE HOUSES OF PARLIAMENT.

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*Petition addressed to the House of Commons\* by Englishmen  
resident in India.*

To the Honourable the Commons of Great Britain  
and Ireland in Parliament assembled.

The humble petition of the undersigned Euro-  
pean British subjects and others resident  
in India.

RESPECTFULLY SHEWETH,—

That by the existing law for the administration of criminal justice in British India European British subjects charged with the commission, without the local limits of jurisdiction of the High Courts of Judicature of Bengal, Madras, Bombay, and Allahabad, and of the Chief Court of Judicature of the Punjab at Lahore, of offences against the criminal law, are entitled to be tried on such charges in the above-named High Courts or Chief Court, in case of offences punishable with death or transportation for life, and by European Judges and Magistrates in case of offences not so punishable, with the proviso that, should such cases require a sentence of more than one year's imprisonment from a Judge or three months from a Magistrate, they are to be sent for trial to the High Court.

2. That the right of British accused persons in India to be tried by Judges, being themselves European British subjects, is not of recent introduction, but coeval with the establishment in this country of British Courts of Criminal Judicature. Criminal jurisdiction over all persons subject to their rule was conferred by the Charters of 1661 and 1669

\* A similar petition was addressed to the House of Lords.

on the Governors and Councils of Madras, Bengal, and Bombay, who were constituted Courts of Oyer and Terminer, and the limits of whose jurisdiction were defined by the Charters of 1726 and 1753. The jurisdiction of the Governors' Courts was transferred in Bengal to the Supreme Court at Fort William, established in 1774, under Statute 13 Geo. III. c. 63, with criminal jurisdiction over all British subjects in Bengal, Behar, and Orissa, and in Madras and Bombay to the Recorders' Courts established in those towns in 1797, under Statute 37 Geo. III. c. 142, with criminal jurisdiction over all British subjects residing within the factories subject to, or dependent upon, the Governments of those Provinces. The last-mentioned Courts were themselves replaced by the Supreme Courts established at Madras in 1801, and at Bombay in 1823, under the Statutes 39 and 40 Geo. III. c. 79, and 4 Geo. IV. c. 71 respectively.

3. The criminal jurisdiction over British subjects of these several Courts, whose Judges were themselves British subjects, was extended by various enactments to the new territories acquired from time to time by the East India Company.

4. The Charter of 1726 and the Acts and Charters under which the Supreme Courts were created, constituted the Governors and Councils of Madras, Bengal, and Bombay, the Governor-General and the members of his Council, and the Judges of the Supreme Courts, Justices of the Peace; but as these provisions were found insufficient for the due administration of justice, and in order to facilitate the commitment of British offenders for trial, the Statute 33 Geo. III. c. 52 empowered the Governor-General in Council to appoint Justices of the Peace from the Covenanted Servants of the East India Company, *or other British inhabitants*, to act within the provinces and presidencies of Bengal, Madras, and Bombay, and places subordinate thereto; and a later Statute, 47 Geo. III. c. 68, conferred on the Governors in Council of Madras and Bombay similar powers within their respective Presidencies in supersession, to that extent, of the above-mentioned powers of the Governor-General in Council, but with the like restrictions as to the persons who might be appointed to act as Justices of the Peace outside the Presidency towns. The powers then conferred have been confirmed and extended to the Local Governments established in India since the date of these Statutes by various Acts of the Indian Legislature, the last of which, being the existing Code of Criminal Procedure

passed on the 6th day of March, 1882, came into force on the 1st of January of the present year. Every one of these Acts prescribed that only European British subjects should be appointed Justices of the Peace outside the Presidency towns. Native members of the Covenanted Civil Service have, it is true, been appointed Justices of the Peace in pursuance of powers supposed to be given by Acts XXV. of 1861 and II. of 1869, but such appointments, your petitioners desire to urge, are entirely contrary to the spirit of both Acts and in violation of the express language of the later Act, identical in this respect with the words of the Statutes above-mentioned, and which clearly indicates that the Civil Servants appointed thereunder shall themselves be British inhabitants. Down to the 6th of March, 1882, therefore, the Indian Legislature fully recognized the inexpediency—to use no stronger expression—of conferring on natives outside the Presidency towns even so limited a jurisdiction as that of committing European British subjects for trial. In the Presidency towns, where such powers are exercised under the direct supervision of the British Government and the watchful control of a large European community, where the Supreme Court was a Criminal Court of Oyer and Terminer, and where immediate redress for a wrongful commitment is obtainable, the same necessity for special tribunals for Europeans did not exist, and accordingly the Statutes 2 and 3 Will. IV. c. 71 authorized the appointment, as Justices of the Peace for such towns, of any persons resident within the Company's territories without distinction of races. Considerations of a similar character appear to have prevailed in the occasional appointment by the Government of natives of India to the Magistracy of the Presidency towns. Your petitioners would, however, point out that the appointment of native Presidency Magistrates has, on the whole, by no means proved a success even in Calcutta. One of the first native Presidency Magistrates, appointed in 1856, was dismissed or removed for gross judicial misconduct in 1857. No native was in consequence appointed for 21 years after him, and though there have been some recent appointments, and though from the peculiar circumstances of the Presidency towns there do not exist equally strong objections to the appointment as apply in the interior or Mofussil, yet in many respects these native Bengali Magistrates have not been found to discharge the duties of the office as satisfactorily in public opinion as when that office has been filled by European British subjects.



5. The criminal jurisdiction of the Supreme Courts over European British subjects was transferred to the High Courts established at Calcutta, Madras, and Bombay in 1862, and at Agra in 1865, under the Statutes 24 and 25 Vict. c. 104 and 28 Vict. c. 15, and as regards the Punjab, to the Chief Court of that Province created by Act IV. of 1866 of the Supreme Council. Natives of India are made eligible to the benches of these several Courts. The policy of such appointments is in some measure safe-guarded by the fact that the judicial duties of such native Judges are discharged subject to the immediate control of their British colleagues, and are liable to the check of a large, independent, and vigilant bar, the criticism of an able and enlightened European press, and the powerful influence of the collective educated opinion of the numerous British residents in the Presidency towns. Moreover, no native Judge has hitherto sat in any of the High Courts singly to exercise original criminal jurisdiction over Europeans, but native judges have only sat as members of a Court of Appeal with European colleagues. Under Act XXI. of 1863 a Recorder's Court was established at Rangoon with criminal jurisdiction over European British subjects in British Burmah in respect of all offences not punishable with death, jurisdiction in the case of capital offences being reserved to the Calcutta High Court. The only statutory qualification for the Recorder's Office is that the Judge must be a Barrister of not less than five years' standing. It must be remembered, however, that, when this Act was passed, no native of India, as your petitioners believe, had been called to the Bar, and no native, as a matter of fact, has ever been appointed Recorder, and your petitioners submit that it was not in the contemplation of the Legislature that such an appointment ever could be made, and that, therefore, no exclusive enactment was deemed necessary, and it is generally recognized that it would be highly inexpedient to make such an appointment.

6. The exclusive criminal jurisdiction over British subjects of the Courts established by Royal Charter continued till 1812, when the Statute 53 Geo. III. c. 155 empowered Zillah Magistrates (who were Justices of the Peace and therefore Europeans) to try British subjects for petty assaults or injuries, accompanied with force, committed on natives at a distance from the Presidency towns, and to punish such offenders by fine not exceeding Rs. 500, or, in default of payment of the fine, by simple imprisonment for a period not exceeding two months. The criminal jurisdiction of

the Company's Courts over European British subjects outside the Presidency towns was never further extended.

7. On 24th of January, 1857, Mr. (now Sir) Barnes Peacock, then Legal Member of the Legislative Council of the Governor-General, moved the first reading of Bills (framed by the Indian Law Commissioners appointed under the Statute 3 and 4 Will. IV. c. 85) "for extending the jurisdiction of the Courts of Criminal Jurisdiction of the East India Company in Bengal, Madras, Bombay, and the North-Western Provinces, for simplifying the procedure thereof, and for investing other Courts with criminal jurisdiction." These Bills provided that no person whatever should, by reason of place or birth, or by reason of descent, be in any criminal proceeding whatever excepted from the jurisdiction of any of the Criminal Courts. The Select Committee, however, to whom these Bills were referred for consideration, were of opinion that the jurisdiction of the Mofussil Courts in regard to European British subjects ought not to be extended, an opinion in which the majority of the Council concurred, and accordingly, on the 3rd of September, 1859, the Council, at the instance of the legal member, Mr. Peacock himself, inserted a clause which provided that "no person should be empowered by Government to hold a preliminary enquiry into cases triable by any of the Supreme Courts of Judicature, or to arrest, hold to bail, or commit any European British subject unless the person so authorized is a Covenanted Servant of Government or a European British subject." It must be borne in mind that no native of India had at that time been admitted as a Covenanted Servant of Government. The result, therefore, of that clause was to exclude all natives from criminal jurisdiction over European British subjects. The Bill so modified passed into law as Act XXV. of 1861, the criminal jurisdiction as regards European British subjects of the Courts established by Royal Charter being in no wise affected thereby, and, save so far as it was affected by the creation of the Recorder's Court at Rangoon and the Chief Court of the Punjab, that jurisdiction continued unchanged till 1872. On the 17th December, 1870, a Bill to consolidate and amend the law relating to the Procedure of Criminal Courts of Judicature not established by Royal Charter was introduced into the Legislative Council of India by Mr. J. F. Stephen, then Legal Member of Council, and was referred to a Select Committee. This Bill, as originally framed, did not touch the jurisdiction of the Charter Courts. On the 16th of December, 1871, Mr.

Stephen informed the Council that "the Select Committee had received a large number of opinions from the Local Governments and persons connected with the administration of justice in reference to the Bill, and amongst others they had received a most important paper from the Government of Bengal. That paper contained a suggestion that European British subjects should be made to a great degree amenable to the ordinary Criminal Courts of the country." A reference to the paper alluded to shows that the Bengal Government advocated such an extension of jurisdiction to the Mofussil Courts on the express ground *that these Courts were presided over by British officers*. Upon a consideration of the suggestion so made, the Select Committee, after informally ascertaining the feeling of the non-official classes, recommended with respect to the jurisdiction over European British subjects :—

"(1) The extension of the jurisdiction of Magistrates being Justices of the Peace, and, in the case of Mofussil Magistrates, European British subjects, to try European British subjects for offences which would be adequately punished by three months' imprisonment or fine of Rs. 1,000.

"(2) That Sessions Judges, being European British subjects, should be empowered to pass sentence on European British subjects of one year or fine; but that in case of European British subjects pleading guilty or accepting the Sessions Judge's jurisdiction, the Court might pass any sentence provided by law for the offence in question.

"(3) That a European British subject convicted by a Justice of the Peace or a Magistrate should have the right of appeal either to the Court of Sessions or the High Court at his option.

"(4) That, in every case in which a European is in custody, he may apply to the High Court for a writ of *habeas corpus*, and the High Court shall thereupon examine the legality of his confinement and pass such order as it thinks fit."

8. On the consideration by the Council of the Select Committee's report Sir Barrow Ellis moved that jurisdiction over European British subjects should be conferred on native Magistrates of the 1st Class being Justices of the Peace, that is to say, native members of the Covenanted Civil Service who had been admitted by competition in England, and whom he thought sufficiently Europeanized to be treated as Europeans, but the motion was negatived on a division of the Council after full and deliberate discussion, and the Bill, modified

according to the recommendations of the Select Committee, was passed on the 25th day of April, 1872, as Act X. of that year. The proposal to invest native Magistrates with criminal jurisdiction over European British subjects evoked on every occasion strong opposition of the non-official European community, and the question of conferring such jurisdiction was not again raised in Council until the present year, notwithstanding the pregnant fact that an Act to amend Act X. of 1872 was passed in 1874, and that the whole law relating to the jurisdiction and procedure of the Criminal Courts in India (including the Courts established by Royal Charter) was remoulded by Act X. of 1882. This last measure was framed in consultation with all the Local Governments of India and professed to embody the ripe conclusions of ten years' deliberation. It was therefore formally and deliberately resolved in 1882 that it was neither just nor expedient that European British subjects should be rendered liable to the exercise of criminal jurisdiction by native Magistrates outside the Presidency towns.

9. Although Act X. of 1882, which purported to deal exhaustively with the amendment of the Criminal Procedure Code, came into force only on the 1st of January, 1883, yet notwithstanding, a new Bill to confer criminal jurisdiction over European British subjects without the Presidency towns upon native Magistrates and Judges being members of the Covenanted Civil Service of India, or of the Native Civil Service constituted under Statute 33 Vict. c. 3, or being Uncovenanted Sessions Judges, or Uncovenanted Assistant Commissioners or Cantonment Magistrates, was, on the 9th of February, 1883, introduced by the legal member, Mr. Ilbert, into the Legislative Council of His Excellency the Viceroy and Governor-General of India, and such Bill is now under consideration by that Council.

10. That from the discussions which have already taken place in such Council on the said Bill, and from the published official papers relating thereto, it appears that sanction was obtained to the introduction of the Bill from the Secretary of State for India in Council, and that confidential opinions had been obtained from the Local Governments in favour of some criminal jurisdiction over European British subjects being conferred on native members of the Covenanted Civil Service. It further appears that the Chief Commissioner of Coorg and the two senior members out of the four who compose the Madras Council are opposed to such a measure, and that the Government of Bengal was not consulted on

the subject, such omission being justified as in accordance with ordinary practice, the measure having originated in a suggestion made by Sir Ashley Eden, the late Lieutenant-Governor, shortly before his departure from India. In view of the fact that the European population of Bengal far exceeds that of any other Presidency, it is, your Petitioners venture to think, to be regretted that, before the introduction of so important a Bill, steps were not taken to ascertain the opinion of the present Lieutenant-Governor of Bengal and his judicial and magisterial officers, and also the opinions of the Chief Justice and Puisne Judges of the High Court of Bengal. It is, your Petitioners feel, matter for yet graver regret that no endeavour was made to ascertain the opinions and sentiments of the non-official European community, who were to be specially and peculiarly affected by the provisions of the Bill, with regard to a measure, the principle of which that community had, on all previous occasions, condemned, and the re-introduction of which has led to a strong and general agitation, and awakened profound feelings of indignation and distrust.

11. The effect of this Bill is to disqualify all Europeans not in the Covenanted Civil Service from being Justices of the Peace, that is, from trying or committing Europeans, and to render eligible in their place (a) Native members of the Covenanted Civil Service, chosen by competition in England (of whom there are only nine in all India); (b) Native members of the new Native Civil Service nominated in India without competition and without going to England; (c) Native Uncovenanted District Judges; (d) Native Uncovenanted Assistant Commissioners; (e) Native Cantonment Magistrates (should any such be appointed).

12. Your Petitioners have been led to inquire into the origin of this astounding proposal, and find that it is the result of a compromise arising from differences of opinion in the Executive Council of the Governor-General.

13. It appears from the despatch of the Government of India to the Secretary of State for India, dated September, 1881, that a minority of the Council were in favour of the views expressed by Sir Charles Aitchison in a confidential communication, dated the 5th August, 1882, that "The restriction introduced by the Code of Criminal Procedure upon the powers of Courts to inquire into and try charges against European British subjects, which rest exclusively on race distinctions, are invidious and unnecessary," that is, that all exemption of Europeans in the interior or Mofussil should

be swept away, that no person should be exempted from the jurisdiction of any Criminal Court in India, and that any native officer who has power to try a native for any offence, and to pass any sentence upon him, should have power to try a European for the same offence and pass the same sentence upon him.

14. It appears from the same despatch that the majority of the Council declined to accept any such sweeping proposal.

15. It appears further that the Government of India did not think it worth while to legislate unless they could remove from the statute book all trace of what they term "race disqualification of judges," and, therefore, so far as your Petitioners can gather, as the majority of the Council refused to get rid of the "race disqualification," by qualifying the ordinary Uncovenanted native, some ingenious person hit on the plan of producing the desired symmetry in the statute book, and getting rid of the anomaly by disqualifying all the Uncovenanted Europeans, against whose efficiency and fitness there has never been any complaint, and who under the existing law were qualified.

16. This curious compromise appears to have been adopted, and the present Bill appears to have been introduced to give effect to it, without the smallest attempt to ascertain what would be the feeling of the non-official Europeans.

17. The principle embodied in the measure is supported by arguments based on the so-called anomalous character of the present law, on the alleged invidiousness of the disqualification attaching to native judicial officers, and lastly on certain administrative difficulties stated to have resulted, or to be likely to result, from such disqualification.

18. It cannot be contended as a valid or reasonable argument, that the right of European British subjects in India to be tried on criminal charges by judges of their own race is open to any serious practical objection by reason of its special and limited character. In a country like India, subject by right of conquest to the dominion of an alien people, inhabited by numerous races of different origin and different creeds, swept as it has been by successive tides of foreign invasion, which have left behind them peculiar and exclusive privileges, as the hereditary rights of particular classes and special individuals, where immutable laws of caste, surviving the shock of contending systems and accepted as divine by millions, have during countless ages circumscribed and defined the sphere of individual action and crystallized by innumerable prejudices and customs the various gradations of

rank which are entirely dependent on birth alone, and which are neither to be won by merit nor purchased by wealth, and where the very idea of equality has come to be regarded by a large body of the population as a grave sin against the divine inheritance of birth, and where too the avowed principle of British policy has hitherto been the conservation, as far as possible, of every existing right, whether founded on the fragmentary remains of ancient laws, or on the prejudices of religion, caste, or social customs, surely your petitioners are justified in urging that, in such a country and under such existing anomalous systems, there is no special or unreasonable anomaly in the existence of the right now sought to be taken away, and the anomaly, if such it can be called, must be sought for in the person of the judge and not in the conditions under which he is permitted to exercise jurisdiction. That a Native magistrate, however much it is to be regretted, should ever have been invested with special jurisdiction over European British subjects within the Presidency towns, whilst he was excluded from the exercise of a like jurisdiction outside such Presidency towns, is in no way anomalous to those who have even a limited experience of the social conditions, privileges, and prejudices existing in India, and can only appear anomalous to those who are ignorant of the distinctive circumstances under which these judicial and magisterial powers are exercised. All such anomalies, if such they be, must remain as inseparable constituents of the paramount anomaly of all, namely, the existence, in fact, of the supremacy of British rule in India. The so-called disqualification of Native members of the Covenanted Civil Service to try Europeans is really not a disqualification of the judge, but a privilege of Europeans to insist on being tried in a Court presided over by a European—and affects equally uncovenanted as well as covenanted Natives. It would be as reasonable to speak of the privilege of Europeans to demand a jury composed one-half or more of Europeans, as a disqualification of Native jurors.

19. The arguments based on the alleged injustice of the so-called judicial disqualification of Natives to try European British subjects on criminal charges is hardly worthy of serious consideration. Justice presupposes the existence of some right, inherent or conferred, and which has been wrongfully invaded. There cannot be a right to try Europeans, existing in Natives, any more than there is a right in Englishmen in England to try peers of the realm for treason and felony.

20. Your petitioners are at a loss to discover in which of the countless races of India this alleged right is supposed to exist. If in the heterogeneous mass of the Native races of India as a united class, then it may be well pointed out that their various and varied social systems are entirely founded on the exclusive recognition of special rights and peculiar privileges. It can hardly be permitted, therefore, to any Native, of any race, creed, or nationality, to argue that the existence of the right which the European British subject now enjoys in this respect, and which is now sought to be invaded, is to be condemned because it is a peculiar race protection. Your petitioners would contend that, even were its maintenance claimed on no higher grounds than sentiment or prejudice, its existence could not afford a legitimate grievance to those whose personal laws have been expressly secured to them by British legislation, and deference to whose social prejudices is allowed to override the requirements of impartial justice. Their females, who live or claim to live in seclusion, and their men of rank and position, are exempted from appearing in British Courts of Justice as witnesses. Your petitioners desire to urge upon your Honourable House that the exclusion of European British subjects from the criminal jurisdiction of Natives has never formed a ground of complaint with the Native populations of India, and your petitioners would further urge that the special exemption of European British subjects has been recognized by all thoughtful Natives as a requisite protection, and as necessary for the employment of European capital in India. The want of homogeneity amongst the Native inhabitants of India, antipathies of creeds, inequalities of caste, the mutual distrust and jealousies of different tribes, the profound and unqualified contempt felt and expressed by the brave and hardy races of the North-West and of the Central Provinces for the Bengalee, from whose ranks the Native Covenanted Civil Servants are chiefly drawn, all combine to prevent the possibility of such a complaint. The argument in this particular of invidious race disqualification, which your petitioners venture to think, owed its origin entirely to European official inspiration, was confined to a few semi-Anglicized Natives and the limited class of youthful agitators whom they are enabled to influence. Even viewing, for the sake of argument, the subject of jurisdiction as a mere question of feeling (and your petitioners desire to impress on your Honourable House that it means a serious sacrifice of a most disastrous character), still your petitioners venture to deny the justice



of sacrificing even the mere feelings of the whole European community in India to the vanity of a few Native officials, or to the aspirations of a small uninfluential class of the Native population of Lower Bengal ; and since, in support of their supposed claim to criminal jurisdiction over European British subjects, it is urged that Native Civil Servants appointed by competition in England (a class which will form but a very small proportion of the entire Native Covenanted Civil Service) by their education and by their residence in England have become thoroughly imbued with English ideas of justice, your petitioners are justified in presuming that they have also arrived at a sufficient appreciation of the principles underlying the British system of trial by a man's own peers, to regard their personal disqualification as no greater insult to their ability or integrity than a British juror would deem the demand of an accused alien to be tried by a mixed jury.

21. The existing law sufficiently provides for the appointment of Natives to all offices of emolument, even to those of District Judge and District Magistrate, and obviates all inconvenience arising from the right of a European within the jurisdiction to be tried by a European judge or magistrate, by making provisions for the transfer of such case to another Court, or, as it is termed in England, for a change of the venue, and it should be borne in mind that these cases are stated by the mover of the Bill to be rare.

22. Your petitioners would next urge upon your Honourable House the grave objections which exist to empowering Natives in the Mofussil to try Europeans on the ground of their unfitness to discharge their duties satisfactorily.

23. The social system of the Native inhabitants of India, the seclusion of Native ladies in the zenana, and the various Hindoo prejudices of caste which regard contact with the European as contamination, and the bigoted character of the Mahomedan creed, prevent a possibility of free and unreserved intercourse between the European and Native communities, and the consequent growth of anything approaching to intellectual and moral sympathy between them. In the absence of such sympathy the Native judge, however honourable and high-minded he may be, cannot properly appreciate the motives of European conduct, and is therefore incapacitated from forming a correct judgment on the natural presumptions of European actions. Moreover, whereas the European inhabitants of India have some security for the just and honest discharge of judicial duties by a fellow-countryman, whose

character and modes of thought have been moulded under a religious and moral system and domestic and external influences identical with or similar to those under which they have themselves been reared, and whose present actions continue to be governed by influences of the same character, in the case of Native magistrates no such guarantees exist. It is impossible to believe that a few years of early manhood passed in England, or the intellectual training that these magistrates may have undergone, can possibly suffice to change their whole moral nature, or to eradicate the ideas of right and wrong under which their childhood was trained, and which regulate the actions and sentiments of that society to the influence of which they are again subjected on their return to India. It is contrary to experience to believe that in so short a period they can have succeeded in stifling every prejudice of caste, or in emancipating themselves from strong race prejudices and the subtle influences of domestic and popular sentiment by which they are surrounded, and which they have absorbed from early youth.

24. The domestic and social institutions of the Natives of India, whether Mahomedans or Hindoos, based as they are upon a system of polygamy combined with female seclusion, have been developed on a type so opposed in the most essential particulars to those of Europeans, and have engendered as their necessary and indissoluble correlates such opposite habits, feelings, and ideas, especially in matters concerning the relations and mutual conduct of the sexes, and all the incidents of such relations and conduct, as to render Natives of India wholly incompetent to estimate correctly or even intelligently the significance of facts connected with them, and consequently incompetent to arrive at just conclusions regarding them. The effect of the proposed Bill would, therefore, be to transfer criminal jurisdiction over European British subjects, in an important class of cases affecting the domestic happiness and peace of the parties concerned, from men who by community of institutions, feelings, and ideas are competent to arrive at correct conclusions, to men who, however honest they might be, must necessarily, from the absence of such community of institutions, feelings, and ideas be powerless to arrive at even intelligent conclusions concerning them.

25. That not only would serious risk thus arise of great injustice and misery being inflicted on innocent persons, but grave scandal and injury to the reputation of European British subjects would be created.

26. Your Petitioners further desire to point out that, owing to the disgrace which attaches in native estimation to the appearance of respectable women in open Court, a feeling from which your Petitioners believe no native is entirely free, an Englishwoman placed for trial before a native Judge would encounter an unavoidable prejudice in his eyes, and so be placed at a grave disadvantage, while, in the eyes of the more ignorant spectators of her disgrace, she would be covered with obloquy, to the injury of her self-respect and of the esteem of the natives around her.

27. So great is the contempt in which the Mahomedan and Hindoo natives of India hold the female sex, that an Englishwoman brought before a Judge of either of these races, to be tried for a criminal offence, would be thereby subjected to a special indignity of the most galling kind, and one to which it would be in a high degree inhuman, unjust and impolitic to expose her. A knowledge of this circumstance would furnish a dangerous temptation to native dependents and others to worry Englishwomen with false charges for the purpose of extortion and intimidation.

28. Not only are Europeans in the interior of the country isolated in the sense of being solitary units in the midst of tens of thousands of an alien race, but, by reason of difference of language, habits and feelings, and the absence of common ties and sympathies, they are also morally and socially isolated from the natives around them; in consequence of this isolation, they stand at an insuperable disadvantage in respect of the means of combating, or even ascertaining the existence of, conspiracies to bring false charges against them, or of rebutting the evidence brought forward in support of such charges, which are of frequent occurrence; and the only counterpoise to this disadvantage which they possess, is the right of being tried by European British subjects, of which the Bill would deprive them.

29. That the necessary protection which the European British subject now has against false charges—which constitute the common weapon of offence and annoyance amongst the natives of India—which protection partly depends upon the feeling which such charges inspire in the mind of the British Magistrate, and partly upon the just severity of the punishment he awards to the offender, will be materially impaired, if not completely destroyed, when such charges can be preferred with comparative impunity before a native Magistrate, who would regard them as the ordinary incidents of legal warfare and the natural weapon of the

weak against the strong, reprehensible possibly, but still to be dealt with leniently and of no great consequence, especially when directed against Europeans in the interior. It is well to remember, also, that the native press is for the most part antagonistic to Europeans, and generally takes a prejudiced view in all those cases in which there is a conflict, either criminal or civil, between members of the two races. It is only natural to suppose that Native Magistrates should be in some degree biassed by the expression of opinion published in these papers.

30. Moreover, throughout the greater portion of India where European British settlers gather no strength from numbers, but live isolated from their fellow countrymen, their exemption from the Criminal Jurisdiction of Native Magistrates has invested them in the eyes of the natives by whom they are surrounded, with a certain prestige, which in itself affords no little protection against the danger of false accusation. But, as the foundations of such prestige become undermined, and Europeans become lowered down to the same level as that on which their accusers stand, they will necessarily be deprived of this protection also, and will become subjected to the danger of frequent persecution, and to the constant harassing of the preferment of false charges, and not only will the danger to themselves be thus increased, but their influence for good on the native population, in whose midst they live, will be proportionately weakened.

31. It has been stated that the jurisdiction which native judges have exercised for many years in civil cases in which European British subjects may be concerned, affords a conclusive answer to those who oppose the investment of native Magistrates with criminal Jurisdiction over European British subjects, and that the objections and fears which are now expressed are identical with those expressed in 1836, and that time has shown the apprehensions then entertained to be groundless. As regards the two latter statements your Petitioners would point out that the agitation of 1836 was an agitation against the extension of the jurisdiction of the Company's Courts over British subjects, and was not specially directed against the investment of native judicial officers with such jurisdiction; on the contrary, the leaders of native society in Calcutta allied themselves in 1836 with their British fellow subjects in opposing the extension of jurisdiction which was then contemplated. The fears then expressed have been in a very great measure justified by events, and, so far as they may have been falsified by time,

this has resulted only in consequence of the whole constitution and system of the Company's Courts, having been subsequently altered. Your Petitioners, moreover, while abstaining from entering on an examination of the merits and defects of natives as Civil Judges, deny that the exercise of Civil Jurisdiction by native Judges affords an adequate or indeed any guarantee that native Magistrates will exercise criminal jurisdiction over Europeans in a satisfactory manner. The conditions under which the two kinds of jurisdiction are exercised differ in every material particular. The very nature of a criminal complaint, the police agency, only too frequently corrupt, by which evidence in its support is so frequently obtained, the character of the evidence itself and the difficulty in many cases of disproving it, the position of the accused on his trial, for the most part imperfectly acquainted with the vernacular language and the legal liabilities to which he is subject, before as well as after trial, all tend to place criminal proceedings on a wholly different footing from a civil action, and to displace any arguments in favour of the bill attempted to be founded on past experience of the manner in which Civil Jurisdiction has been exercised by native Judges. It is to be remembered also that a system of bribery is rampant throughout India, that the native police are in very many instances excessively venal and corrupt, and that the promotion of the Magistrates and the police is to some extent dependent upon their record of convictions.

32. The administrative difficulties anticipated from a continuance of the so-called disqualification of native Covenanted Civil Servants are, as your Petitioners allege, difficulties of a purely visionary and theoretical character. There are at present not more than nine native members of the Covenanted Civil Service selected by competition in England. Only two of these are of sufficient standing to be affected by the measure, and for several years to come not more than four or five can possibly come within its operation. But, even were these numbers far larger, there are numerous districts in India without a European resident, where the judicial functions of the native Magistrate can be utilized without fear of offence to any member of the community, and where his official dignity will not be wounded by the exemption of a single individual from his jurisdiction. In addition to this consideration there remains the fact that there is no district in India without at least one European magisterial officer. Moreover, in Bengal, where the Bill

must admittedly have the most extensive operation, your Petitioners have the public assurance of the present Lieutenant-Governor that no administrative difficulty will be felt.

33. Somewhat inconsistently with arguments founded on such supposed administrative difficulties, it is urged that the Bill will confer criminal jurisdiction over European British subjects on only a few native officials, and that the removal once for all of all judicial disqualification, dependent on birth alone, carries with it an element of finality, and surprise is accordingly affected at any opposition to a measure which is said to rest on principles of natural justice, which will effect so small a change, and which cannot be further extended. The alleged finality of the measure is delusive, and the arguments founded on natural justice find their logical conclusion in the abolition of every distinctive right and privilege which the European British subject now enjoys, and amongst others those which the Bill has advisedly left untouched, the Courts by which he can be tried, the punishments they may inflict upon him, the mode of trial, his right of appeal, and his right to be brought before the High Court if wrongfully detained in custody. The principle of perfect equality, once admitted as paramount to every other consideration of State, would gain its logical result in a Native Viceroy and a Native Commander-in-Chief.

34. As to the disqualification, with a few possible exceptions, of all Europeans not being Covenanted Civil Servants, your Petitioners would remark that, so far from conducing to the better administration of Justice, it will produce practical inconvenience. At present there are in Lower Bengal alone forty Uncovenanted European Deputy Magistrates with first class powers who are Justices of the Peace and try Europeans, and it is admitted that they do it satisfactorily and efficiently. These forty will retain their powers. But there are a large number of Europeans in the Uncovenanted Service who, as they attained first class powers, would have been made Justices of the Peace and have tried on the spot all petty crimes committed by Europeans. The Local Government will be debarred from using the services of these men in their respective sub-divisions for the prompt and speedy adjudication of European cases, or the cases will have to be transferred to some Court presided over by a Covenanted Civilian, thus creating an absolutely gratuitous inconvenience, asked for by no one, and having no justification except the removal of an alleged anomaly, which is

one of a class of anomalies which the Government has resolved to retain.

35. Your Petitioners would point out that the new native statutory Civil Service which it is proposed to substitute for the disqualified Europeans, is a new and comparatively untried class; that it will be many years before any of them will be senior enough to be invested with first class powers or made a District Judge or District Magistrate, so as to be empowered to try Europeans; that they are chosen by nomination in India, not by competition or in England; that they are often chosen on account of the social position or influence of their families; that they have been described in one of the confidential communications to Government, by the Judicial Commissioner of Oudh, as often "saturated with caste and religious prejudices and ignorant of European modes of thought and feeling, and not to be trusted to hold the scales fairly."

36. Your Petitioners humbly submit that it cannot be for the interests of Justice to disqualify experienced European Uncovenanted Deputy Magistrates, who are admittedly fit and efficient, and substitute for them such a class as this as Criminal Judges over your Petitioners. So that it is perfectly clear that this Bill, so far from being an enabling Bill, as it has been termed by its supporters, is practically a disabling Bill of a very sweeping character, and is entirely destructive of an important existing machinery of British administration in India.

37. Your Petitioners would also submit that the proposal to empower native Assistant Commissioners to try European British subjects is most disastrous, as Assistant Commissioners are largely appointed in the tea planting districts.

38. Your Petitioners further point out that at present non-official Europeans are largely appointed Honorary Magistrates and Justices of the Peace in the Mofussil and are useful in that capacity; but that this Bill, with no cause assigned, disqualifies them from being Justices of the Peace. Moreover European Master Attendants are invested with like powers as Justices of the Peace in various ports, and are found of great use in dealing with English and foreign sailors, but by this Bill such appointments will be prohibited.

39. Your Petitioners regard the right to be tried by European British subjects as a valuable safeguard, as an ancient and highly privileged right, defensible on sound grounds of expediency, as well as on those of deep-rooted feelings and sentiments, and believe it to be a right which has been of

the utmost value to them in the past, while initiating enterprise in the Mofussil, and essential to them in the future, for the prosecution of those enterprises by which India has so much benefited.

40. Your Petitioners submit, moreover, that the right of European British subjects to be tried on criminal charges by European British Magistrates and Judges has infinitely stronger claims on justice than rest on sentiment alone, and is based on principles of policy which are inseparably bound up with the welfare of India and the prosperity of all classes of Her Majesty's subjects, Native as well as European. Your Petitioners claim that the preservation of that right is essentially expedient. For in no country is confidence in the administration of justice—and especially of Criminal Justice—more essential to the well-being of the community than it is in India, which owes to British capital and energy the recent rapid development of her natural resources, as illustrated by the Railway system and the abnormal growth of Tea, Jute, Coal and other industries, and which contribute in so important a manner to the marked prosperity of her people, and which in years of scarcity or famine, support millions of her native inhabitants who but for such support would perish miserably. Your Petitioners are anxious to impress upon your Honourable House that the enormous European capital which is already invested, and which is about still further to be invested, will assuredly seek other channels if British capitalists and their employes are forced to lose confidence in the Criminal Courts of the land by which they have hitherto been partially protected, at all events from persecution and aggression.

41. Your Petitioners desire to remind your Honourable House that the British Government has been invariably careful to protect British subjects in Oriental countries from trial by Oriental tribunals. They fail to understand why this protection, which has been so universally and invariably accorded hitherto, should now be withdrawn in India. And they desire, moreover, to impress upon your Honourable House that the right which they seek so jealously to maintain is simply a protective right, and in no sense is capable of being construed as an invasion of the rights and privileges enjoyed by the native subjects of Her Majesty in India. The grievous loss which they will sustain will bring no kind of compensatory gain to their native fellow-subjects.

Your Petitioners, therefore, humbly pray your



Honourable House for protection and redress, and that your Honourable House will take into consideration this humble petition, and that it may adopt such measures by Legislative Resolution or otherwise as in its wisdom it may deem just and proper to maintain the existing rights of your Petitioners, and to express its disapproval of a policy which is based upon no sound principle of statesmanship, and which is founded on no experience, and which, whilst unnecessarily depriving the European British inhabitants of India of a much valued and time-honoured privilege, in no way affords any additional protection to their native fellow-subjects, and which is hurtful to the interests of the Empire by deterring the investment of British capital in the country in consequence of the feeling it creates of insecurity as to the liberties and safety of European British subjects, and which has evoked feelings of race antagonism and jealousy such as have never been aroused since the disastrous Mutiny of 1857.

And your Petitioners, as in duty bound, will ever pray.

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## PETITION OF ENGLISHWOMEN IN INDIA.

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The humble petition of the undersigned European British subjects, being women residing in India, to Her Most Gracious Majesty, Victoria, Queen of Great Britain and Empress of India.

MAY IT PLEASE YOUR MOST GRACIOUS MAJESTY,

Having learnt that a Bill has been introduced into the Legislative Council of the Governor-General of India to amend the Code of Criminal Procedure of 1882, by altering the existing law, so as to confer on Native Magistrates of certain classes jurisdiction to try European British subjects in the interior of India on Criminal charges, and knowing the tender care and interest Your Majesty ever bestows upon your subjects in all parts of your dominions, we beg most humbly to approach Your Majesty, to express the grave alarm with which we contemplate the proposed change, and to crave Your Majesty's intervention to protect us from the serious injury we believe it must cause to our welfare and happiness.

In thus craving Your Most Gracious Majesty's protection we will forbear to enlarge on the many and cogent arguments against the said Bill, as affecting our countrymen in common with ourselves, being aware that such arguments have been ably set forth by our countrymen in India and England, and will confine ourselves to those particulars in which it specially affects women who are European British subjects, in India.

First, then, we would humbly submit that the position held by women in Native society is so entirely different from that held by their European sisters, and this difference so deeply affects all the relations of social and domestic life, and the customs, habits and feelings connected with those relations, that no Native of India, however highly educated, can

possess the knowledge or sympathy essential to a correct appreciation of the feelings and conduct of European women. But such a correct appreciation of the feelings and conduct of accused persons can alone qualify a judge to try them ; and consequently the effect of the proposed change in the law would be to transfer the trial of European women in India to men who, by the force of circumstances, are incompetent to do them justice.

The civilizing effect of a residence in England on Natives of India has been put forward as an argument in favour of the harmlessness of the proposed change. But this argument is inapplicable to the circumstances of the case, and, if it were applicable, would have very little force. For, in the first place, the Bill proposes to give jurisdiction over European British subjects not only to Covenanted Native Civilians who have been to England, but to Native Statutory Civilians, Native Assistant Commissioners and others, who have never left India, and have often had nothing worthy of the name of an English education ; and, in the second place, experience has shown us that the effect of a residence in England on the character and feelings of Natives of India is far from being generally such as to inspire us with confidence in their competence to try us.

Apart from the terrible risk of injustice to which European women would thus be subjected in cases in which they themselves might have the misfortune to be accused, their examination as witnesses in cases in which their countrymen might be accused, before Native Magistrates, would, owing to the great difference of modes of life, habits, and ideas already described, be in the highest degree hurtful to their feelings and repugnant to their sense of propriety, and this injurious consequence would be greatly aggravated by the fact that, in the majority of cases, the pleaders to whose cross-examination they would be exposed, would also be Natives of India.

A further ground on which we implore Your Most Gracious Majesty's intervention is that, in the opinion of the Natives of India, it is highly disgraceful for women of respectability to appear before a stranger of the opposite sex, particularly in a Criminal Court ; and this is a feeling so deeply ingrained in their minds that no amount of education and no residence in Europe can wholly disabuse them of it. The Native magistrate before whom a European woman could be brought for trial would consequently be unavoidably prejudiced against her, and she would thus be placed not only in a false position, but at an unfair disadvantage.

Moreover, the British Government in India, having so far lent its sanction to this feeling as to exempt Native women of respectability from appearing openly in Court, the fact of our being compelled to appear before the very men who claim and enjoy this exemption for their own women, would inevitably give rise, in the minds of ignorant people of the country, to comparisons prejudicial to the esteem in which we are held, and without which esteem our position in the midst of an alien unsympathetic population would be intolerable.

Further, we would urge on Your Most Gracious Majesty's consideration the fact that, owing to the low estimate in which the Natives of India hold the female sex, it would be imposing a special indignity on us, and inflicting a cruel wound on our self-respect, to subject us to trial by Native Magistrates.

Nor would the evil thus resulting be confined to this unnecessary and unbearable injury to our feelings. For the knowledge of the injury and of the dread with which we should regard it, would operate as a powerful incentive to any ill-disposed Natives to resort to false charges against us for the purposes of extortion, intimidation, and revenge; and this temptation would be increased by a belief in our helplessness before an alien tribunal, isolated, as we should in many cases be, from our natural protectors; unable, as we should be in the great majority of cases, to obtain the assistance of European counsel, and ignorant, as we should generally be, of the language in which the proceedings would be conducted.

In the case of the poorer class of Europeans residing in the interior of the country, the danger arising from this cause would be of a most serious character, and would destroy their sense of security, and embitter their relations with the Natives around them to an extent which would be likely to prove a fruitful source of trouble.

So far we have confined ourselves to the respects in which the passing of the proposed Bill would result in grievous wrong and injury to ourselves. But we would also urge, as a matter well deserving of Your Most Gracious Majesty's careful consideration, that, by the degradation it would inflict on us in the eyes of the Natives of this country, it would go far to deprive us of that influence for good on which the enlightenment and amelioration of the condition of our Native sisters so largely depend, and which we believe to be an object of Your Majesty's anxious solicitude to promote.

We might say much more, but we feel we have said enough to justify our humble prayer that Your Most Gracious Majesty will be pleased to use your constitutional power for the protection of your petitioners in such manner as to Your Majesty may seem fit.

And Your Majesty's humble petitioners, as in duty bound, will ever pray.

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# MEMORIAL TO THE SECRETARY OF STATE FOR INDIA.

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TO THE RIGHT HON. THE EARL OF KIMBERLEY, HER  
MAJESTY'S SECRETARY OF STATE FOR INDIA IN  
COUNCIL.

The Memorial of the undersigned members of the London  
Committee of Anglo-Indians for obtaining the with-  
drawal of the Indian Criminal Procedure Act Amend-  
ment Bill,

RESPECTFULLY SHOWETH,

That your memorialists view with the deepest apprehension and concern the Indian Criminal Procedure Act Amendment Bill, which has been introduced into the Council of the Governor-General of India for the purpose of conferring upon certain native magistrates and judges in the Mofussil criminal jurisdiction over European British subjects. Your memorialists—many of whom have spent the greater portion of their lives in India, and have filled positions in which their experience has been such as to enable them to speak with confidence of the merits of this proposal—unanimously believe that the measure is not justified by any necessity, either political or administrative; they observe with regret that it has already aroused wide-spread excitement and agitation throughout India; and they feel sure that its results, if it be passed into law, will be prejudicial to the peace and prosperity of the Indian Empire.

2. Your memorialists desire respectfully to state their conviction that the existing law—which has been arrived at after the fullest discussion at various times—admirably fulfils all the requirements of justice, with the least possible administrative inconvenience, and to the entire satisfaction of

those whose interests are affected by it. This fact seems to be amply proved by the consideration that, during the whole course of the protracted deliberations on the Criminal Procedure Code—deliberations which lasted over several years, and were shared by all the Local Governments and by officials of all ranks in every province—it has never been alleged that there has been any miscarriage of justice, or any practical hardship to anyone, owing to the criminal jurisdiction over European British subjects in India having been confined to persons of the same race. Your memorialists are unable to see that the proposed measure can be regarded as in any way a continuation of the policy indicated in former legislation upon this subject; for preceding enactments have been directed to the removal of real and substantial hardships, whereas the present Bill proposes to substitute, for a system which has given general satisfaction, one which is avowedly distasteful to the whole European population, and for which at the commencement there was no genuine demand on the part of the native community.

3. With reference to the plea of administrative convenience, which has been alleged by the supporters of the Bill as a reason for the proposed alteration of the law, your memorialists desire to ask your lordship's consideration of the very important fact that the Bill, if passed, will have a twofold effect—one qualifying or enabling, the other disqualifying or disabling. On the one hand, it will extend, under certain conditions, criminal jurisdiction over European British subjects to four classes of Native magistrates—(1) Native covenanted civilians selected by competition in England; (2) Native civilians appointed in India under 33 Victoria, c. 3; (3) and (4) Native assistant-commissioners in non-regulation Provinces and Native cantonment magistrates. This is the extent of the qualifying or enabling effect of the Bill. On the other hand, its disabling operation will be very wide indeed. For the Government will be deprived by it of the services, in future appointments to the office of justice of the peace, of the whole European uncovenanted and non-official communities throughout the land. A reference to the published lists of existing justices of the peace will show at a glance the sweeping character of this wholesale disqualification; and your memorialists are strongly of opinion that an enactment which deprives the Government of the valuable and approved aid of European planters, merchants, railway police officers, and other non-official and uncovenanted Europeans as justices of the peace, stands self-

condemned, as one that may lead to something like a deadlock in the administration of justice in important planting and mining districts, and must cause serious administrative inconvenience in every province.

4. Your memorialists would, therefore, venture to urge that the Bill, so far from removing administrative inconvenience, will create it. They entirely agree with the Lieutenant-Governor of Bengal—whose authority on the point, indeed, is such as to need no confirmation—that no administrative inconvenience has arisen, or is at present likely to arise, out of the existing state of the law. Indeed, your memorialists would go further, and would express their conviction that the probability of any such inconvenience arising at any future time is extremely small. Even if the proportion of the Native members of the Civil Service should be eventually increased under the operation of 33 Victoria, c. 3, to one-sixth, as the Governor-General anticipates, your memorialists believe that, in these days of railways, no practical difficulty is likely to arise in dealing with the few cases of criminal offences committed by Europeans at places where there may be no European magistrate. The distances to which such cases will have to be transferred will generally not be great, nor will the journey occupy much time, or entail much expense if a moderate amount of discretion be observed in regard to the posting of Native magistrates and judges. But, as regards the present and the immediate future, the effect of the Bill will be the reverse of an administrative improvement. The class of covenanted civilians selected in England by competition is a very small one, and not likely to be increased, and only two members of it will be at once affected by the Bill. The class of Native civilians appointed in India under 33 Vict. c. 3, is a new and untried one, in regard to which it is impossible for any one to predict whether the experiment which has been made in instituting it will turn out well or ill; but no member of it is likely for some years to exercise the jurisdiction in question, so that in any case this class need not be taken into present account in considering the question of administrative convenience. There are no Native cantonment magistrates, and it is understood that the Government has pledged itself not to appoint any. It is possible that a few of the Native assistant commissioners in non-regulation provinces will receive the extended jurisdiction. On the whole, however, it is obvious that the Bill, in disqualifying the large classes of Europeans above-named for future appointment to the office of justice of the peace, must create



an administrative inconvenience far greater than any that it removes under its enabling clauses.

5. The facts adduced by your memorialists in the last paragraph have been used by the supporters of the Bill to minimise the importance of the proposed change. But those who are likely to be affected by legislation, which they believe to be in itself hurtful, justly look to the possibilities opened up by it, rather than to the extent of its immediate operation. Moreover, in such a matter, in regard to which no one can say whether he himself may not be the one sufferer from even the most limited application of the new law, the number of persons who will immediately acquire the extended jurisdiction, naturally seems, and is, a point of comparatively little importance to the class directly concerned; though the insignificance of that number clearly disposes of the plea of a present administrative convenience. Your memorialists would further point out that nearly all the tea grown in India is produced in districts under the criminal jurisdiction of assistant commissioners, who may now be Natives, and who, if the Bill be passed, might be invested with the power to try Europeans. The fact that the danger threatened to isolated Europeans in the Mofussil, under this Bill, is a very real and serious one, and by no means the sentimental one it is sometimes represented to be, was frankly and forcibly admitted by the Hon. Sir Steuart Bayley in the debate of March 9. The hon. member then said:—"There is another aspect to the case of the opposition, which, I think, deserves most attentive consideration, and this is the real danger which the isolated European, living in the Mofussil, runs from having false cases trumped up against him. It is right that I should state publicly that this danger is a very real and very serious one, for probably no member of this Council has had the same experience as I have of the lives led by planters in the Mofussil. My own experience has given me a strong feeling on this matter; and any one who knows the extreme bitterness with which disputes about land are fought out in the Mofussil, and the unscrupulous methods to which recourse is had in conducting these disputes before the Court—methods to which a planter cannot have recourse—will understand how precarious his position may become, and how essential it is to him that the law should be well and wisely administered." The experience of your memorialists entirely coincides with that of Sir Steuart Bayley.

6. It has been alleged that a slur is cast on the Native civilians, by a state of the law which prevents them from

exercising the special jurisdiction over European British subjects entrusted to their European colleagues. Your memorialists are unable to see how the denial of a right to try a particular class—a right which can hardly be considered to be inherent in any one—can be regarded as a slur. It is not considered a slur on the Lord Chief Justice of England that he is unable, unless he happens to be a peer, to sit in judgment on peers. But, however this may be, your memorialists believe that this argument of the supporters of the Bill is distinctly barred by the consideration that the privilege as to jurisdiction is the privilege of the prisoner, not the privilege of the judge. The question which is really at issue in this matter, is not whether a certain jurisdiction ought to be conferred upon certain public functionaries; but whether the requirements of the administration of justice demand that a certain class of persons should be deprived of a privilege which they have long enjoyed, and which they greatly value.

7. The argument in favour of the Bill, which is based on the “anomalous” character of the existing system, can hardly be regarded as a serious argument in a country and under an administration which are alike full of anomalies. It is almost unnecessary for your memorialists to point out that the anomalous privileges possessed and prized by various classes of Natives are not only numerous, but also, in many cases, far more open to objection than this privilege of the European British subject. Some of these privileges are anomalies that seriously interfere with the due administration of justice; and the abolition of them, if Europeans and Natives are to be made perfectly equal in the eyes of the law by such abolition, would cause far deeper resentment on the part of the latter than the proposed change of jurisdiction has among the former. Your memorialists allude to the privileged exemption from personal appearance, as witnesses in courts of justice, of Native ladies, and of men of position, to whom such exemption is granted by Government as a mark of exceptional respectability; as well as to the serious hindrance to equitable procedure in Courts, brought about by the objection on the part of Brahmins and other high caste Natives to the admittance within the precincts of the Courts of low caste people, whose touch, or even whose standing on the same carpet, is considered personal pollution by the former, and entails the immediate performance of expiatory religious ceremonies. For a parallel to the anomaly complained of

by the supporters of the Bill, your memorialists can point to the refusal of the Governments of all Western nations to submit to the trial of their subjects by Native Courts in Turkey, Egypt, China, and elsewhere. If it be argued that in British India there exists an equitable law to which all are alike amenable, your memorialists feel bound to assert that the just administration of a good law depends even more on its administrators than on the law itself; and that the very slight and superficial acquaintance with the feelings, modes of thought, and customs of Europeans, possessed, or likely to be possessed, by Native civilians—until the breakdown of the caste system in India and the introduction of female education into that country shall render possible intimate social relations between Natives and Europeans—must for many years render those to whom the extended jurisdiction is proposed to be given, ill-suited in most instances to judge in criminal cases where Europeans are concerned. If your memorialists are met with the argument that there are Native judges in the High Courts, and Native police magistrates in the Presidency towns, with whose administration of justice no fault has been found, your memorialists would point out the difference in circumstances, where these officials are controlled by the presence of learned European colleagues, of public opinion, a powerful European Press, and a competent Bar, and where, as in the Mofussil, the Native magistrate must himself be judge and jury, prosecutor and counsel for both accuser and accused, with a subservient staff, and no public opinion to hold him in check. As regards the Native judges of the High Courts, your memorialists would observe, that hitherto, as far as they are aware, there has never been an instance of a Native judge of a High Court presiding at the Criminal Sessions, and that when trying appeals in criminal cases the Native judge is invariably associated with an English judge. In Ceylon, too, on the other hand, the circumstances of the non-official European community are almost exactly the same as those which obtain in the Presidency towns of India: within a very limited area there is a numerous, powerful, and highly-concentrated European population, possessing all those safeguards which are conspicuously wanting in the Indian Mofussil. Your memorialists would further point out, that when a Native of India has once entered the covenanted Civil Service, his promotion to the head of an office is virtually merely a matter of time; and that the refusal of such promotion by the Local Government, possibly for very

valid reasons that might be incapable of exact legal demonstration, would be impossible, without raising far more heart-burning on the part of the Native community, and far greater race-antipathy, than the present entirely unexpected action of the Government of India has aroused. Moreover, the present Bill does not by any means remove from the Code of Criminal Procedure all anomalies based upon distinctions of race. If the Bill is passed, Natives of India will still be liable in certain cases to be tried and sentenced to very heavy penalties by English judges, who, notwithstanding their nationality, have no similar jurisdiction over European British subjects.

8. It has been strongly represented by the supporters of this Bill that the objection which is now urged to the exercise of Criminal jurisdiction by Natives over Europeans is exactly similar to that which was formerly urged to the exercise of Civil jurisdiction by Natives over Europeans, and that experience has proved that none of the evil consequences which were anticipated in the latter case have been found to result. But your memorialists wish to point out that there is no parallel between the two cases. Civil suits are not used for mere purposes of revenge. Defeat in a civil suit involves no consequences similar to those which follow from conviction on a criminal charge, and if an unjust decision is ultimately reversed, even after years of litigation, the party who is ultimately successful is replaced in the exact position which he would have occupied if a right judgment had originally been passed. But no ultimate reversal of a conviction could ever undo the fatal injury which would be entailed upon an innocent man who had, even for a single week, been consigned to gaol as a convicted criminal.

9. Under the Bill, Englishwomen in India will be liable to be tried on criminal charges before Native magistrates. It is almost unnecessary for your memorialists to point out that the position of the female sex in the social system of India has not been appreciably affected by that contact with Western ideas, which has done so much for India in other respects. That social system is still founded on polygamy, and on the strict seclusion of women. Publicity of any kind is, in the case of any respectable Native female, an utterly infamous thing; and it seems obvious that Native magistrates, brought up under such a social system and living in it, rigorously secluding their own wives and daughters, whose faces may not be looked on, either in court or elsewhere, by the eye of any male stranger, are certainly not qualified

(however high may be their moral character or intellectual abilities) to sit in judgment on Englishwomen charged with criminal offences. Your memorialists believe it to be absolutely impossible for Native magistrates, so nurtured, so educated, and so circumstanced, adequately to appreciate the motives, or weigh the words and actions, of Englishwomen ; and the consequences of extending to them this jurisdiction might therefore prove most disastrous. And this point will be seen to be even more serious than it would otherwise be, from the fact that the law of India differs altogether from the law of England, in that it treats some offences against domestic morality as criminal offences. When regard is had to the isolated position of numbers of English families in India, especially among the poorer classes—to the dangers of trumped-up charges, so forcibly dwelt upon by Sir Steuart Bayley—to the obvious openings that might be afforded for extortion or even worse, by the increased chances of impunity in bringing such false charges, and by the humiliation and disgrace that might be inflicted on the victim even by an unsuccessful charge—it must be at once evident how important, to the Englishwomen of India in particular, is that safeguard which has hitherto been secured to them, in the right to be tried by their own countrymen, who are fully acquainted with their habits and modes of thought, and are able to judge what is, and what is not, compatible with innocence in their conduct. Your memorialists believe it to be unnecessary to consider further how far Native magistrates may be qualified to try cases in which Englishmen are accused of criminal offences ; for their disqualification in cases in which Englishwomen are concerned seems to be incontestable, and ought (your memorialists respectfully submit) to be in itself decisive as to the fate of the Bill.

10. Attempts have been made, both in India and in England, to misrepresent the character of the opposition to the Bill, by ascribing it wholly to the resentment which settlers belonging to the conquering race in India feel at any and every attempt to place them on an equality with the Native population. The agitation raised in Calcutta against the so-called "Black Act of 1836," which took away the exclusive jurisdiction of English judges of the Supreme Court in civil suits between Englishmen and Hindoos, is referred to as a case in point ; and it has even been said that both official and non-official Englishmen in India have invariably shown a singular unanimity in resisting changes in the law intended to improve the condition of the

Native population. Your memorialists are of opinion that no charge could be more unfounded. The essential difference of race, to which England owes the possession of her Indian Empire, cannot indeed be set aside without endangering the fabric which has been built upon it. The principle of English ascendancy penetrates the whole administration of India: it is recognized in the army and in every department of the Civil Service; and the Native civilians who now complain that they are deprived of the prospective right of exercising criminal jurisdiction over Europeans, might with as good reason, if their theory of equality were once admitted, demand that they should no longer be excluded from the highest positions in the Executive Government of the country, which are still reserved, and if British rule in India is to continue, must be reserved, for Englishmen. But, so far as the administration of the law is concerned, your memorialists maintain that what is now proposed to be done by the Government of India has excited alarm, not because it offends the prejudices and lessens the privileges of a dominant class, but because it would deprive Englishmen and Englishwomen in India of a safeguard to which they attach the highest value. Englishmen in India want nothing more than justice, and they will be satisfied with nothing less. They do not believe that Native magistrates and judges are competent to decide cases affecting the liberty of isolated Englishmen who may unconsciously have incurred the ill-will of their neighbours, and have thus exposed themselves to the risk of being arrested on false charges. This question is, as has been already shown, totally distinct from that of the transfer of civil jurisdiction, which affected rights of property only; and it may also be pointed out that the agitation against the Black Act of 1836 was really the outcome of the long-standing feud between the servants of the East India Company and the private adventurers who had courts of law of their own, and that what happened then belonged to a state of Indian society which has long since disappeared. In more recent times, since the creation of the High Courts, Europeans in India have acquiesced cheerfully in any reasonable extensions of the powers of Native judicial officers. Not a word of remonstrance has ever been uttered by them against the criminal jurisdiction over Europeans given to Native magistrates in the Presidency towns, because in this instance they are well assured that they have adequate securities for the due administration of justice. When, therefore, they object to the grant of this jurisdiction to Native officials in districts

outside the limits of the Presidency towns, they should get credit for the moderation they have hitherto displayed, and not be met with the unreasoning cry that their protests are prompted by race feeling. The non-official English class in India occupy a peculiar and exceptional position. Their capital, their enterprise, their labour have marvellously developed the agricultural, the mineral, and the commercial resources of India, and converted that country into England's best customer. Their tried loyalty has made them respond zealously to the call of the Government of India to raise regiments of volunteers which might aid in the defence of the Empire; and, as members of the various legislative councils, as honorary magistrates in country districts, and as members of municipalities in the great towns, they have given the Government much valuable and unbought help in carrying on the work of administration. They are shut out from all high public offices, which are reserved for the Covenanted Civil Servants appointed from England, and for Native nominees of the Government of India; and such slight account is taken of the feelings of this important class of the population, among whom there is very little poverty or crime, that, on a measure so vitally affecting their interests as Mr. Ilbert's Bill, their opinion was not even sought by the Government before it determined to change the law. Surely, non-official Anglo-Indians do not expect too much when they claim from the Government they serve so well, freedom to carry on their business in India without being brought before Native magistrates, whom the all but unanimous judgment of Anglo-Indian officials pronounces to be ill-suited to deal in a satisfactory manner with criminal charges against Europeans. What makes the argument against the Bill all the stronger is, that if it becomes law, it will hardly be likely to injure the wealthier and more influential Europeans, whom the Natives, at all events for the present, will be afraid to conspire against. The merchant, the lawyer, the planter may escape; but the Bill will smite with terrible effect the unprotected planter's assistant and the skilled mechanic, who are the bone and sinew of English enterprise in India.

II. Your memorialists have now set forth, they trust without passion or exaggeration, the reasons which have induced them earnestly to entreat the Government to pause and retrace its steps on the dangerous path on which it has entered. Although this Bill will more especially affect the non-official Englishman, and in particular the poorer members of that

class, the opposition to it is not less strong on the part of the great body of Anglo-Indian officials, past and present. Of the signatories to this memorial, a large majority belong to the official class. Among them are men who have risen through all the grades of the Anglo-Indian official hierarchy, who have long been known to be actuated by the most kindly sentiments towards the natives of India, and to whom it cannot, with the slightest semblance of reason, be imputed that they are influenced by prejudices of race, or by any other motive than a sincere desire for the good government of the country in which they have passed the greater part of their lives. The opinions which your memorialists have formed, and the remarks which they have offered for your lordship's consideration, are the result of long experience and of careful observation of Indian life in all its varied phases, and they submit those opinions and those remarks with an earnest hope that a measure which they believe to be alike prejudicial to the best interests of the Natives of India, and dangerous to the safety of Her Majesty's dominion will not be passed into law ; for it is certain that this Bill, if it be persisted in, will keep alive in the future those mischievous race antipathies which its introduction has revived, and thereby will seriously add to the difficulties, already sufficiently great, of Indian administration.

All which your memorialists would humbly submit to your lordship.

A. J. Arbuthnot.  
 W. Agnew.  
 S. A. Apcar.  
 H. Berners.  
 C. S. Blair.  
 J. A. Bourdillon.  
 J. H. A. Branson.  
 C. J. Brookes.  
 C. T. Buckland.  
 J. R. Bullen-Smith.  
 J. K. Bythell.  
 Orfeur Cavenagh.  
 M. D. Chalmers.  
 Hyde Clarke.  
 R. Cockburn.  
 A. Cotton.  
 J. Dacosta.  
 A. C. C. De Renzy.

R. V. Doyne.  
 R. Eardley-Wilmot.  
 J. Fergusson.  
 T. Douglas Forsyth.  
 S. S. Gladstone.  
 C. A. Gordon.  
 E. Grey.  
 H. Hankey.  
 R. S. Hills.  
 H. Hopkinson.  
 W. H. Hudson.  
 R. H. Keatinge.  
 J. B. Knight.  
 G. St. P. Lawrence.  
 A. Lawrie.  
 C. A. Lawson.  
 Roper Lethbridge.  
 S. P. Low.



Malcolm Low.	W. S. Seton-Karr.
J. M. Maclean.	R. A. Scoble.
Melville Macnaghten.	A. C. Silver.
G. B. Malleson.	W. Smith.
J. D. Mayne.	J. Stevenson.
E. C. Melville.	R. Steward.
G. F. Mewburn.	H. Stewart-Reid.
W. Moran.	H. H. Sutherland.
E. C. Morgan.	W. Tayler.
C. W. Nightingale.	C. B. Templer.
A. T. Osmond.	Ernest Tye.
Charles Palliser.	E. Tyrwhitt.
S. B. Partridge.	A. J. Vibart.
J. Pitt-Kennedy.	T. Prendergast Walsh.
W. G. Probyn.	J. D. Ward.
C. Raikes.	J. P. Watson.
E. T. Roberts.	R. M. Westropp.
A. Rogers.	J. Berry White.
J. O'B. Saunders.	G. Williamson.
C. Sanderson.	

For the London Committee, Anglo-Indian Association for  
obtaining the withdrawal of the Indian Criminal Pro-  
cedure Act Amendment Bill.

## DEPUTATION TO THE SECRETARY OF STATE FOR INDIA.

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*On the 26th July a deputation waited upon the Earl of Kimberley, Secretary of State for India, and presented the foregoing Memorial. Nearly all the signatories to the Memorial were present on the occasion.*

Mr. PUGH, M.P., in introducing the deputation said : My Lord, the deputation which I have the honour to introduce to your lordship is, I very much think, the most influential deputation that has ever been received between these walls. The deputation represents a committee consisting of 700 members, and I have carefully analysed the composition of the committee, but I am not going to weary your lordship with any details upon the subject. My intention was to point out how many men there were upon that Committee who were distinguished for their services in India, but I found the list so large that it would be impossible for me within any reasonable compass to make any individual mention of the more prominent of those members. But I would say this, that of the 700, somewhere about 250 only are non-official Europeans ; that leaves something over 450 men who have held service under Her Majesty in India, and many of these, my lord, are distinguished for services which they rendered to the country ; and they are distinguished very much in this respect, that many of them had long been, and will be, known for the earnest desire they had always shown for the advancement of the Natives of India. Now, the object of this deputation is to lay before your lordship their views upon the Bill now pending before the Council in India for the Amendment of the Criminal Procedure Code. I do

not propose to enter myself into any argument upon the subject. I shall content myself with introducing the deputation to your lordship, and the deputation will state temperately and yet fully, I have no doubt, their views upon the subject. And, my lord, the deputation are moved to take this measure owing very much to the repeated assurances given by Lord Ripon in his speech upon this Bill before the Legislative Council in Calcutta, of his desire to keep himself clear from all controversy, so that he might give a full and impartial consideration to all the representations which might be made to him by the local governments or by the public with reference to the objection that they might feel to the Bill. Those assurances of Lord Ripon the deputation entirely accept, and for myself I will say that I have not the slightest doubt all those representations will receive from Lord Ripon the fullest and most careful consideration. The deputation being here in England, they have thought that the proper way to lay their views before the Government of India would be through this deputation which your lordship has kindly consented to receive. Now had it been, as has been stated more than once, the desire of those who oppose this Bill to attack the general policy of Lord Ripon I should not in any way for my own part have consented to ask your lordship to receive this deputation; nor if they desired in any way to attack the Rent Bill of Lord Ripon, should I have consented to have anything to do with the deputation; nor if they had proposed to come here in order to oppose any extension of local self-government in India, should I have in any way consented to have anything to do with it. But my views being in accordance with the views of the deputation with regard to this one particular Bill, I have had no hesitation in consenting to ask your lordship to receive this deputation. Now, the object of all those who study the welfare of India, I take it, must be to endeavour to adopt and to agree upon such measures as will conduce to the different races that inhabit the country acting together in greater harmony; and I may say for myself, my lord, that during the twenty years in which I have known India, I believe the different races in India have been hitherto approximating more and more closely towards each other, and I am sure it is the wish of every member of this deputation to see that approximation continue without let or hindrance. And it is because they do not think that this Bill is calculated to promote that approximation, but that it will have the directly contrary effect—it is on that account, and I

believe on that account alone, that they wish to make public their views in reference to this measure. My lord, I shall not trouble you with any further remarks in introducing the deputation ; but Sir Alexander Arbuthnot will now address your lordship. He, as your lordship is aware, was formerly a member of the Supreme Council, and I may say also that he has been distinguished above all other things for his efforts in the cause of Native education, and the advancement of the Natives generally in the Presidency of Madras, and in fact throughout the rest of India. I trust that the views of the deputation will be such as to commend themselves to your lordship, and I trust also that when Lord Ripon enters upon that full consideration of the views of the various local governors in India, he will not fail also to consider the views which will have been laid before your lordship to-day by this deputation, and that the result of that consideration will be the withdrawal of this Bill. (Hear, hear.) I beg to introduce to your lordship Sir Alexander Arbuthnot.

Sir ALEXANDER ARBUTHNOT: My lord, I have been requested to present to your lordship this memorial on behalf of a large body of gentlemen, who either are or have been connected with India, praying, for reasons which are fully stated, that Her Majesty's Government will be pleased to order the withdrawal of the Indian Criminal Procedure Act Amendment Bill which is now pending before the Council of the Governor-General. I think that after all that has been said by Mr. Pugh it is not necessary for me to disclaim, as I should wish to disclaim in the most emphatic terms, the imputation that I or any of those who are associated with me in this movement, are actuated by hostile or illiberal feelings towards the Natives of India. (Hear, hear.) For my own part I think I may truly affirm that during my long Indian service one of the most prominent objects to which my time and attention were constantly given, was the moral and intellectual advancement of the people of the country, and the fulfilment of the pledges which had been given, and the prospects which had been held out to them by the most prominent Indian statesmen of former times. (Hear, hear.) In the memorial which I am about to present to your lordship there is a very full statement of the reasons which have led the opponents of this Bill to regard it as an uncalled-for measure, and as one which, while it is not demanded in the interests of the small section of the Native community which it will immediately affect, is calculated to be most prejudicial, in our opinion, to the best interests of Her

Majesty's Empire in India. I will not attempt to go over those reasons, but there are a few points connected with this matter which I should like to urge upon your lordship's attention. In the first place, I am aware that it is thought by many persons, and even by some who have considered the introduction of this Bill to have been unwise, that after the hopes and expectations which have been aroused in the Native mind, and after all the agitation which has taken place, it is now too late to withdraw the measure. This consideration, and the consideration that the Government of a great Empire, having once introduced such a measure as this, can hardly recede from it without some loss to its credit and reputation, are considerations which must naturally be weighed by Her Majesty's Government. We who are urging the withdrawal of this Bill, do not at all ignore the considerations to which I have referred ; but our contention is, that in this case, as in so many other cases which occur constantly in human affairs, the Government have a choice of difficulties, and that the real question is not whether there is a course which is absolutely free from objection, but which of two or three courses, all of them more or less open to question, is likely on the whole to be conducive to the welfare of the Indian Empire. (Hear, hear.) Looking at the question from this point of view, as practical men, intimately acquainted with the Natives of India, appreciating their merits and knowing their defects, we are persuaded that the mischief of proceeding with this Bill will be far greater than the inconvenience of withdrawing it. We feel sure that this Bill, if it be persisted in, will be a permanent cause of antipathies of race, and we are convinced that if this Bill shall become law, certainly on a great many occasions, though not perhaps on every occasion, reclamations will be made in the Anglo-Indian newspapers, which will be followed by those denunciations of British rule and of the English race which have lately been revived in the Native Press, and that a state of things will arise which cannot fail to be most prejudicial to the interests of India and to the security of our rule. And here I should like to observe that the agitation which has arisen upon this subject on the part of the Natives of India was originally a purely factitious agitation ; that, on the part of the great bulk of the Native community of India, there was no demand for this Bill—(hear, hear)—and that even now many—some, at all events, of the best men among the Natives deprecate the measure as one which was uncalled for in the interests of the Natives of India, and is certain to

affect injuriously their relations with their English fellow subjects. Before I sit down, I should like to invite your special attention to the argument which is urged in the memorial as to the real nature of the question which is at issue in this case. We have submitted that the real question is not whether a certain jurisdiction should be conferred upon certain Native functionaries, but whether Englishmen in India should be deprived of a privilege which they have hitherto enjoyed, and to which they attach the greatest importance. Our contention is that the withdrawal of that privilege is not only undesirable on other grounds, but that it is certain to have a bad political effect in diminishing the prestige and impairing the authority of Englishmen in India ; and if proof be needed of the soundness of this contention I must ask your lordship to consider some incidents which have occurred at Calcutta within the last few weeks. When we hear of a Native servant of the lowest class attempting with brutal violence to dishonour an English lady—the wife of the Public Prosecutor at Calcutta, and of another Native servant, who had been recently discharged, entering the bedroom in which his late master and mistress were sleeping, and then proceeding to cut to pieces the lady's dresses and to cut off her hair ; when also we read of another somewhat similar outrage on an Eurasian woman, the wife of a railway employé in the neighbourhood of Calcutta ; and when we read of the editor of a Native newspaper urging the formation of an enormous national fund, to be raised by subscriptions in every village for the purpose of enabling the Natives of India to obtain Parliamentary institutions, for which they are notoriously unfit, and urging upon his audience “to kindle a fire upon the altar of their country, which all the water of the Ganges will not put out,” I submit that it needs a very moderate clearness of political foresight to discern the evils which are certain to result from this Bill. It has been said, and still is said, by the supporters of this Bill, that its provisions are in accordance with the opinions held by the wisest and most eminent Indian statesmen of past times. The names which are most commonly mentioned are those of Sir Thomas Munro and Mr. Elphinstone ; but it is only by ignoring or suppressing important passages in the writings of those distinguished men that it is possible to arrive at the conclusion which the advocates of the new legislation seek to establish. One single sentence in the famous minute of Sir Thomas Munro on the Indian Press, where he says—“I cannot view the question of a free Press in this country with-

out feeling that the tenure with which we hold our power never has been, and never will be, the liberties of the people," is, I think, amply sufficient to show what the opinion of that distinguished statesman would have been on a question of depriving Englishmen in India of the privilege of being subject in criminal cases to the exclusive jurisdiction of their countrymen. (Hear, hear.) With these remarks, my lord, I now present to your lordship a copy of the memorial.

Mr. W. S. SETON-KARR (formerly Foreign Secretary to the Government of India)—My Lord : In the few remarks which I shall have the honour to address to your lordship, and which I wish to compress into the smallest space possible, I will not speculate whether the distrust as to this measure, which is avowedly felt in India, proceeds from some deeper distrust of other measures of the administration which seem destined to break the continuity of tradition, and to impair the efficiency of the machinery of Government ; nor shall I, on the other hand, expatiate on the arguments and counter-arguments for or against the Bill which your lordship will find set forth in the memorial which we have this day the honour of presenting to you, and set forth in language, I trust, which it is not disrespectful or unconstitutional for us to offer, and which it cannot be offensive to your lordship to receive. But I would briefly request your lordship's consideration to three points connected with the opposition to this Bill. Your lordship is probably aware, and your able officers who surround you will confirm my statement, that on many occasions, when important measures have been under discussion which affected the welfare of the Natives of India, the non-official and the official world have been prominently divided into two camps. I can say from my own knowledge, and I shall be confirmed by others, that in past times it has fallen to the lot of many officials of Government to explain, or to defend, or to promulgate those measures of Government which, with equal honesty of purpose and with equal sincerity of conviction, the non-official community have thought it their duty to oppose. I may remind you, I say, that in past times we, the officials of India, have had to carry through those measures, and we have been denounced for doing it, with that freedom of thought and that energy of language which with Englishmen everywhere is the very salt and breath of their political life. But on the present occasion all those divisions amongst English society have entirely disappeared. We are here met together, men of every variety of occupation and of every variety of experience, from almost every province of India,

and I believe that from the non-official community, from merchants, from barristers, from civilians and military men, there never has been on any previous occasion such a remarkable unanimity of sentiment or such extraordinary consensus of opinion. That is one point to which I would earnestly request your lordship's close and careful attention. Secondly, I would ask your lordship to remember that we cannot be taxed with any selfish purposes in opposing this Bill. Many of us, as the chairman of our committee has reminded you, have taken a deep interest in the cause of Native progress and the advancement of Native civilization. I may say frankly that we owe everything we have in the world to India. India, with all its drawbacks, has given to most of us a career of which we are justly proud, and if we have attained, any one of us, any honour from the State, any esteem from the public, if in any shape whatever, either by commercial fitness, by forensic ability, or by official aptitude, we have achieved success or an independence in life, it is to India and its career that we owe it all—(hear, hear); and as our chairman has reminded you, there are many of us who would far sooner prefer to dwell on the many good points in the Native character, on their touching acts of devotion, on their fidelity in service, on their readiness to follow where Englishmen lead—we would far rather, I say, at this distance of time and place, recall these features than aggravate antipathies of race by dwelling too long on well-known instances of Oriental turpitude and Asiatic treachery. We can none of us here, at this distance of time and place, be actuated by any other than the kindest feelings towards the Natives of India. (Hear, hear.) Then, thirdly, there is another point to which I would call your lordship's attention. It has been said in many papers that the agitation against the Bill is factitious and temporary, and that the desire for the Bill is permanent and genuine. We have every reason to believe, from private correspondence, from our attentive study of the comments of the Press, and from our knowledge of India, that the very contrary is the case. (Hear, hear.) We believe, on the contrary, that the agitation for the Bill has been got up mainly by a few interested individuals. I would take the liberty of stating to your lordship that a journal accredited with some knowledge of India, and avowedly a supporter of your own Government, has maintained a silence on this important subject which to me is more ominous and more eloquent than all the pleadings of a deputation; and that journal has stated, and I doubt not on good authority, that



90 per cent. of the so-called Natives of India have never heard of the Bill and do not care one farthing about it. (Hear, hear.) We believe, on the contrary, that the agitation which the Bill has evoked amongst the Anglo-Indian community will not pass away quickly. As a proof of it, there is one circumstance hitherto unexampled in Indian history, and that is, that Englishwomen have for the first time thought it necessary to descend into the arena of controversy, and have sent forth a protest against the passing of this Bill. And although I do not anticipate for a moment that Englishwomen resident in India would furnish many examples of the criminal classes, yet at the same time I would avail myself of this fact to illustrate what has been often said about anomalies and inequalities. Can there be a greater anomaly than the position of the Ranee or the Begum, whose seclusion in the Zenana is inviolate, practically, against the pursuit of justice and against the arm of the law, and the position of the English lady or the wife of the English *employé*, who lives openly in the light of day, who is amenable as a witness or defendant in every court, and who sheds about her, unlike her Aryan sister, that indescribable charm which the presence of a refined and energetic Englishwoman always sheds in the social and domestic circle? (Hear, hear.) There was one occasion when, twenty years ago, the community of India was violently agitated regarding the passing of a measure which affected Native interests. That measure, as your lordship's advisers will tell you, commanded the support of very high and noble-minded statesmen, including, amongst others, the late Lord Canning. Your eminent predecessor, Lord Halifax (then Sir Charles Wood), who at that time presided over the destinies of India, although the Bill had not only been introduced into the Council, but had actually been passed as a tentative measure for more than six months, intimated his disapproval of the measure. The agitation and the measure collapsed, and we have never heard one word of the subject since. (Hear, hear.) In conclusion, I will ask your lordship to remember that we, as representing the Anglo-Indian community, do not for a moment ask that Englishmen or Englishwomen should be set above the law. We do not even ask that any one law or clause should be altered to their advantage. We only ask that the law should remain as it is, and that they should enjoy the privilege upon which, as you have been told, they set so high a value, the privilege of being tried for any criminal offence before one of their own colour, race, and creed. In short, my lord, we can only submit to

your lordship's earnest consideration the fact that we represent a large consensus of opinion on the part of the official community in India ; that we believe ourselves to be backed by the reasons and the arguments of those high authorities who, on a second consideration of this important measure, have, we believe, been led to disapprove of it ; and we earnestly entreat you to weigh our arguments in order that the Bill should not pass, for we believe it to be one which is not really compatible with the advancement of the best interests of the Natives, which will really shake the loyalty and the fidelity of the Anglo-Indian community, and which, in the end, cannot but tend to impair the stability and the permanence of that vast and magnificent dependency over which your lordship so worthily presides. (Hear, hear.)

Mr. J. R. BULLEN-SMITH, C. S. I. (formerly member of the Legislative Council of the Governor-General of India) : My lord, I feel that so much has been already written and said upon this subject during the last few weeks that anything I could bring forward might almost appear to be a twice told tale ; but as having represented till I left India a few years ago, very large non-official interests in the Mofussil of Bengal, I cannot refuse the invitation which was addressed to me to join this deputation and say a few words, both to manifest my own extreme interest in the subject and the entire approval with which I regard the prayer contained in this memorial, and also to express the opinion which I know is strongly held by those who have succeeded in the management of those interests to which I have referred. My lord, I claim on behalf of those in India who are opposed to this Bill, and especially on behalf of my non-official countrymen, that notwithstanding all that is being said now to the contrary, they are reasonable men. I assert, and do it with full confidence, that they are deeply interested in the welfare of India, both for their own sakes and for the sake of its population, and that as a consequence they are deeply interested in its good government in every particular, anxious to advance it by every means in their power, and willing, if necessary, to make some sacrifice on its behalf. I would not wish to make this assertion rashly ; but I think in support of it I may very fairly refer to the legislation which took place on this subject in the year 1872. I, in common with my friend Mr. Stewart, whom I see now in this room, had the honour of a seat in the Legislative Council of the Viceroy at the time, and were members of the Select Committee which sat on the Bill connected with the

legislation to which I have referred. . He will bear me out in saying that nothing was done then that was hasty ; it was a matter which met with the fullest consideration, and although, from the very nature of the case, the result which was arrived at could not be officially put forth to the world as being a compromise between different classes of the community and the Government, yet, nevertheless, he will support me, I am sure, in saying that it was understood to be a compromise. Mr. Justice Stephen, in a letter which he has lately addressed to the public of England on this subject, has asserted this in the fullest manner, and from the position which he held at the time, as the head of the legislative department in India, his testimony on the subject may be accepted as conclusive. And it is that fact which gives to the present action of the Government, what I am sure was unintentioned, a sort of appearance of breach of faith. It was felt at the time that the compromise then made would be held sacred, and would be acted upon until some strong necessity arose for entering upon a new course of action. (Hear, hear.) Let it not, my lord, for a moment be supposed that Englishmen in India held at that time the privilege for which we are now contending a whit less dear than they hold it now. They prized it then just as much as they do now, but they were willing to give up something when a definite reason why was put before them. They were reasonable men, and when it was explained to them that the retention of this privilege in all its length and breadth meant practically unpunished crime in the Mofussil, then, I say, they were willing to the extent demanded to give up their privilege. Now it seems to me, my lord, that the position now is this : that compromise having been entered into, the natural question is, what has occurred during the last ten or eleven years to cause the Government to enter upon a new line of action ? I may safely say that up to this time—at any rate that is my opinion—absolutely nothing has occurred. It seems to me that only two reasons would have justified the Government in re-opening this subject. Those would be either that there was some administrative difficulty which rendered it impossible in the existing state of affairs to carry on the government of the country as it ought to be conducted, or that there was some strong demand for a new measure on the part of the inhabitants of India, which it would be impolitic and inexpedient to resist. Now, my lord, with regard to the first of these—the administrative difficulty—it certainly was broached at first in the debate in the Legislative

Council, but, as far as I can see, it very gradually diminished, and at all events I can tell your lordship this: that the Lieutenant-Governor of Bengal, speaking with all the weight of his high and responsible position, ruling over the territories in which are to be found more of the class which would be particularly affected by this Bill than in all the rest of India put together—Mr. Rivers Thompson was able, from his place in the Legislative Council, to say that there existed no administrative difficulty whatever in the territories under his charge, and that assertion he would be prepared to prove whenever it was denied. Then as to the second reason: can it be said that there has been on the part of the Native community a strong demand for this measure? For ten years, from the date which I have spoken of up till last year, when the Criminal Procedure Code was passed, I never remember the subject to have been mentioned at all; and is it not a curious thing that we should find in the Legislative Council itself, when this subject is brought forward, that the support given to it by Native members is of such a half-hearted and lukewarm description? The Native members in the Council at the time this Bill was brought in, were two. One of them is well known to myself; he is a shrewd merchant, who has long lived and been respected in Calcutta, and held his own with any and every one there in his own walks of life; it would have been too much to expect that he should have voted against such a proposition as this; but assuredly, those who read his few remarks will find no great warmth in the assenting vote which he gave. I believe that both he and his colleague, who said that while his head approved of the measure his heart voted against it, would have been far better pleased had this subject never been brought forward. (Hear, hear.) My lord, I cannot too strongly endeavour to impress upon your lordship this fact—that the people of India, as such, those whose opinion is worth having, care nothing about this matter. It seems to them nothing strange whatever that Englishmen should possess this privilege. They see privileges all around them, and not only do they see nothing strange in our possessing this privilege of being tried by one of our own countrymen, but, as I said just now, I never knew a Native yet who would not, if the choice were given him, rather go before the English gentleman than before the Babu. It therefore comes to this, that the cause of this new procedure which it is sought to enter upon, is to be found in the now prospective disability of a few. This, perhaps, is scarcely the place for me to speak of what I

think ought to be the attitude of these few ; but I will say this much, that I think that attitude ought not to be the forward one which they are now assuming. I think that—looking to the fact that they are now in the Civil Service at all, a position which ten years ago they could never look forward to—it is hardly becoming of these young gentlemen, in advance of any felt injustice, in advance of any actual disability, to endeavour to force the hand of the Government in this matter. It would have been more becoming of them to have waited till the evil was actually felt, and then to have asked for that relief which the whole dealings of the Government with the people of Lower Bengal entitled them to believe they would have readily granted. (Hear, hear.) There only remains for me now to mention one other reason which seems to me strongly to show that the *status quo* of 1872 should be maintained, and that is this : through the large extension of railways, mills, and other works of the kind, we every year import into India a large proportion of mechanics, engineers, artizans of different kinds—the very men upon whom in the Mofussil this Bill will most hardly and severely press. Now we cannot do without these men ; if we wished we cannot deport them, as in olden times ; their presence is very material, I may say absolutely necessary, to the wealth and material prosperity of India, which we all so much desire ; and what I feel strongly is this, that while on the one hand we must take every means to see that their treatment of the Natives is what it should be, we, on the other hand, should not, unless there existed an absolute necessity, drive them to courts in which they have no confidence. (Hear, hear.)

Mr. J. M. MACLEAN (late editor of the *Bombay Gazette*) : My lord, I have been asked to support the prayer of this memorial, because, having conducted for a great number of years one of the principal daily papers of India, I have had perhaps exceptional opportunities of becoming familiar with the sentiments of the representatives of English commerce and industry in India—of those men whom in the days of the East India Company it was the fashion to speak of as English adventurers. It is generally admitted, I think, that this Bill is exceedingly distasteful to this class, whom I may call the most valuable element of the population of India. Wherever independent Englishmen settle in that country, whether as merchants, as planters, as professional men, or as skilled mechanics, they are a leaven of loyalty, of intelligence, and of fruitful enterprise, which leavens the whole inert mass of Indian society. I may say further, that this class are, as a

body, remarkably free from crime. The High Court Judges of Allahabad pointed out the other day that during the last ten years not more than 800 cases had occurred in which Europeans were concerned that were brought before all the courts of India, and that of those a very large majority were cases arising in the presidency towns, where it is proposed not to make any change in the law. It is therefore clear that this Bill will only affect a score or two of cases at the outside every year, which would have to be tried by up-country magistrates and judges, and as it is settled that the proportion of Natives in the Civil Service is not to exceed one-sixth, it is obvious that the chance is very remote indeed of any Native having the privilege of trying a European up-country. This result is of course based on the supposition that crime would not increase, and it shows how infinitesimal and shadowy is the grievance that the Government of India proposes to redress. But what non-official Europeans have too much cause to fear, what they are really alarmed about, is that the number of cases of alleged crime will be fearfully multiplied if this change in the law is carried into effect. As a class, we non-officials have never grudged or opposed the advancement of Natives to positions which they are well qualified to fill. We do not do so now. It is not sought to change the law which gives Native magistrates in the Presidency towns full powers to try both Europeans and Natives, but we feel sure that if similar powers are entrusted to Native magistrates up-country the fortunes and liberties of Englishmen scattered about India will be exposed to terrible peril. (Hear, hear.) We conceive that we have the right to claim the special protection of the Government of India, because we are a small and scattered minority, living in the only part of Her Majesty's wide dominions in which an independent Englishman is shut out from any hope of ever having a share in the Executive Government of the country. And that which we claim—I don't call it a privilege, but I call it a right—is one, the possession of which can give no just cause of offence to any human being. There is only one more point I would like to say a word about. It has been said that the Government of India cannot withdraw this Bill for fear of disappointing the Natives; but is it possible for the Government to satisfy the expectations that they have raised if they persevere with this Bill? Do we not see from the language of the Native Press that Native agitators will not be satisfied with this Bill alone? They regard it, as they say, as only a small instalment of the justice that is due to them, and they will never cease

to demand fresh concessions, the end of which could only be either to destroy the ascendancy of the English in India or to compel us (which would be almost equally disastrous) to put forth such efforts to restore our authority as were needed in the crisis of 1857. It is on these grounds that I join in the appeal to your lordship to withhold the consent of Her Majesty's Government to a measure which cannot fail to offend and to injure every Englishman in India, and which holds out no prospect of effectually conciliating the Natives of the country. (Hear, hear.)

Major-General HOPKINSON, C.S.I. (late Chief Commissioner of Assam, and Agent to the Governor-General North-East Frontier) : My Lord, I have been invited to represent Assam, and especially the tea interest on this deputation, because I once had the honour of being Commissioner of that province. Now, my lord, I have been asked by some of my native friends, in reference to my taking the side of the question represented by the deputation, whether I should not think it very absurd if the Irishmen now in England were to clamour to be tried only by their own countrymen, when charged with the commission of criminal offences, and I have answered, "Yes, without doubt it would be very absurd." But I have added : "Suppose the successful cultivation of some of the most important agricultural products of England depended upon Irish superintendence ; that our chief manufacturing industries were managed by Irishmen ; that we owed to them the introduction and maintenance of our systems of steam navigation and railways ; that we had to thank Irishmen for our code of national education ; that we enjoyed through them, for the first time in our history, a tolerable measure of security for our persons and our property, protection from anarchy within and from foreign enemies without ; and that the continuance of all these benefits depended upon their stay among us, I should then say that we could not do too much to make it acceptable to them, and that even as a mere matter of sentiment, we should be glad to show our gratitude, by conceding to them the privileges of being tried by their own countrymen, if they desired it, and much less seek to deprive them of it, if they had long enjoyed it." (Hear, hear.) But, my lord, I am not content to argue against the Ilbert Bill on sentimental grounds ; I make to it the very practical objection that it provides for the setting in authority over British European subjects, in remote provinces of India like Assam, as judges and administrators, officers whom I cannot regard as qualified by their ability for such

responsible positions. When I say, "qualified by their ability," I do not mean the ability to acquire this or that particular science; I do not mean an extraordinary aptitude for mathematics, nor a wonderful gift of tongues, I mean the ability which depends upon the possession of certain moral qualities, which are beyond the reach of competitive examinations to discover, but are the most important of all qualities in an administrator. We are taught by history that Englishmen, Irishmen, and Scotchmen, as a rule, do possess these indispensable moral qualities in a very great degree, and so we may assume for any one of them an average share of what is possessed by the mass; and if, therefore, he shows himself superior in those subjects which can be tested, we may conclude that so far we have the best man when we take him; but I make bold to affirm that history equally teaches that there are races in India which do not possess the indispensable moral qualities I have in view, and it most unfortunately happens that the races which least possess them are the races who are most nimble witted and apt in the subjects to which the competitive test can be applied. It follows, therefore, that the test which may be fairly adapted for a native of Great Britain will by no means justify the same conclusions when applied to a Native of India. If mere educational or knowledge tests were of universal application to prove universal fitness, we might have "a sweet girl graduate" from Girton appointed on the strength of a successful examination to a seat on the Bench of Metropolitan Magistrates, or sent to take charge of a disturbed district in Ireland. She certainly would not be more out of place there than a Native gentleman from Bengal would be who was appointed to officiate as a deputy commissioner in a frontier district of Assam. For it is from Bengal only that Native members of the Covenanted Civil Service would be likely to be available for employment in Assam, and I should not expect a Native gentleman from Bengal to show much confidence in himself or inspire confidence in others in such a position. If his fears, as Rajah Shiva Prasad says, would prompt him to unjust acquittals, it is certain there would be cases where they would make him convict unjustly; and when both sides were European, he would incline to the stronger side. Let it be remembered also that the efficiency of a deputy commissioner or a district magistrate is less severely tested by his judicial capacity than by the discharge of his executive functions, where power of will, force of character, tact, temper, and judgment (and for Assam I might



fairly add physical courage) are required. It is, I am convinced, quite a mistake to suppose that the planters of Assam are animated by the spirit of what a member of the Indian Council calls "spread eagleism" in their opposition to the Ilbert Bill; they do not care whether their rulers and judges are black or white, or where they are born, so long as they get even-handed justice and have their public business administered honestly and firmly; and it is the result of their actual experience that makes them doubt whether these would follow under the Ilbert Bill. The enormous cost of European superintendence is one of the greatest hindrances to the profitable cultivation of tea in Assam, and accordingly, in one concern after another, in plantation after plantation, the experiment of Native managers, chosen from the very classes that have furnished successful competitors for the Civil Service, has been tried, and I am assured that no case can be cited in which it has been found to answer. The Native managers have usually proved deficient in the necessary administrative qualifications, and hence the planters have come to the conclusion that if they cannot find Natives who can manage their gardens for them, the Government are not likely to be able to find Natives competent to manage them. There are yet a few remarks, my lord, that with your permission I should like to make on that other provision in the Ilbert Bill, which restricts the Government from appointing European-British subjects to be justices of the peace, and, *a fortiori*, we may assume that henceforth they will not be appointed honorary magistrates to try Natives, for it would be opposed to the very spirit in which the Bill is conceived to admit such a class distinction. Now I will not dwell on the sentimental side of the question; that is, the slight implied by the provision that no non-official European, whatever his antecedents, his birth, his education, his social position, nay, possibly, his tried capacity as an administrator in some vast industrial enterprise, shall be deemed eligible to serve on the Commission of the Peace. Here there seems surely a class distinction of the most invidious kind; but I pass that over. My lord, I insist on the impolicy of the restriction, as it will affect the local governments in Assam, Cachar, Darjeeling, and elsewhere, by depriving them of an unpaid but material help to the maintenance of law and order. The institution of honorary magistrates and justices of the peace served that purpose in many ways. It fostered a spirit of loyalty, or at least of goodwill, towards the Government, and a desire to be of service to it. It interested the planters in the

administration of the country, and made them more considerate towards the Natives ; and for a very trifling expenditure in the way of salaries to clerks it placed a number of magistrates—the pick of the planting community—at the disposal of Government for employment in parts of the country which practically were not reached by the district magistrates proper, and who were vested with precisely the powers that were required to keep the peace on the tea plantations and make any necessary preliminary investigation in cases of serious crime. I will not further trespass, my lord, on your patience. As a Liberal in politics I fully recognize that our mission to India is to educate the Natives to the management of their own affairs, and fit them for the largest measure of independence and equality ; but I think we are a long way yet from the completion of this education, and that in the meanwhile the differences which must exist between the teacher and the taught should be fairly admitted. I object to the Ilbert Bill, inasmuch as it disregards this difference, and that it pretends not only to put the master and pupil on equal terms, but actually to place the rod in the hands of the pupil. (Cheers.)

Colonel MALLESON (late guardian of H.H. the Maharajah of Mysore): My lord, I think that no stronger argument can be adduced to bear upon any question than the argument of practical experience, and if I should be able to show to your lordship that an experiment very similar to that which has been put forward by the Government of India has been introduced into one of the provinces of India and has failed in that province, there will be good ground for asking the Government of India to abandon such a measure. My lord, I spent seven years in the country of Mysore. When I arrived in that country Mr. Lewin Bowring was the chief commissioner of that province. Mr. Bowring had served with much distinction under very able masters ; he had been brought up by Sir Henry and Sir John Lawrence in the Punjab, and had served as private secretary to Lord Canning during the most tumultuous time of that noble lord's career in India. Mr. Bowring was sent by Lord Canning to administer the country of Mysore, and Mr. Bowring, who had at heart the welfare of the Natives as much as any gentleman with whom it has been my good fortune to be associated in India, endeavoured to give them in the province the fullest power of internal administration. Unfortunately Mr. Bowring is not able to be present this afternoon ; he is detained by illness at Torquay ; but he has

written to me his views on the subject, and with your lordship's permission I will read an extract from his letter. He says:—"I should like to take this opportunity of saying that I have regarded with grave distrust and anxiety the recent measures of the Government of India. . . . There is no disguising the fact that we hold India by the strong hand, and that the time has not come when we can trust to moral force to govern the Natives. I have no faith whatever in their capacity for self-government independently of European control, nor could I place any confidence in Native judges or magistrates who were removed from English superintendence. It is a notable fact that on the rendition of Mysore, although it was a Native State, it was found advisable and necessary to nominate an English officer to the district where the coffee planters reside, so that the Government of India itself showed a becoming distrust of Native district officers. What I feel regarding the Ilbert Bill and other recent measures of the Government of India, is that they tend to unsettle our rule, and to excite hopes in the Native mind which will never be realized in our time. I am sure that no one who had to administer an Indian province was more anxious than I was to advance qualified Natives to high posts ; but although the experiment I made in nominating Mr. Krishniengar to be a district officer answered thoroughly, the second Native whom I appointed to a similar post proved a dismal failure. Ability and experience were not wanting, but strict impartiality, combined with that unflagging energy which one finds in Englishmen, was not forthcoming. There are a thousand and one influences at work to deter a Native who wishes to be upright from following a straightforward course—social ties and prejudices, caste fears, religious feelings, and other motives, which hardly present themselves to the mind of the European, but which are all potent to the Native. So much is this the case, that I am almost surprised that any Native official should wish to have jurisdiction over Englishmen. Lord Canning, my old master, had a true insight into the genuine way of maintaining our rule, for he saw that the mass of the people, whose position we had done so much to elevate and improve, were supine or helpless in a time of convulsion, and he learnt that it was to the allegiance of the great chiefs that we must look in case of need. I shall always remember with pleasure the small help that I was able to give him in those days. I happen also to have known Lord Lawrence well, and I am quite sure, from what I saw of him, that anxious as he was to

better the condition of the ryots and to protect them from oppression, and desirous as he was to foster municipal action, he would never have dreamt of putting Native officials in a quasi independent position and of giving them authority over Europeans." I trust, my lord, that I shall be pardoned for expressing what are the views of one of the most experienced officials and administrators we have ever had in India. (Hear, hear.)

#### LORD KIMBERLEY'S REPLY.

The Earl of KIMBERLEY : Gentlemen, I have had the advantage of reading the memorial which has been presented to me, for Mr. Pugh was good enough to give me a copy, and I need scarcely say that I shall make a point of transmitting it without delay to Lord Ripon. With regard to the arguments which I have heard, you, no doubt, will remember that upon the occasion of Lord Lytton's motion in the House of Lords, I myself and two of my colleagues stated very fully the arguments which had induced the Government to arrive at a conclusion favourable to the measure which you have referred to to-day. I think it would be quite unnecessary and, indeed, probably unwise that I should now repeat those arguments. I confess that my natural instinct for debate makes me a little tempted to deal with some of the remarks that I have heard to-day, but there are only two that I will allude to, because I do not think the matter is likely to be advanced by controversial argument. There are only two ; one is that I was rather pained to hear Sir Alexander Arbuthnot bring forward as an argument the occurrence of two or three acts of violence on the part of Natives at Calcutta. I cannot see that the commission of brutal crimes, which are committed by white men in other countries as well as by Natives, can affect the character of such Native gentlemen as are at all likely to exercise jurisdiction under this Bill, and I should be rather disposed to reply to such an argument by the observation that was used by another gentleman—namely, that because certain Irishmen have unfortunately committed some grievous agrarian crimes, therefore no Irishman is fitted to sit upon the Judicial Bench in Ireland to deal with crime in that country. One other remark I should like to make is this. We have just heard an

interesting letter read from Mr. Bowring, who has had experience in Mysore, and I was curious to know what was the principle or the argument which he could suggest, as showing by his experience that the committal of magisterial powers to Natives had proved a failure, and would be likely to prove a failure. But the only thing that I gathered was this—that he had had experience of two magistrates. One of them, he said, had been a success, and the other had turned out to be a failure. Now, I have unfortunately had to deal with a great many public officers in my time, and I am sorry to say that out of a certain number of gentlemen—Europeans—there are some who have proved failures in the offices they have held, and in some particular or other have not realized the expectations formed with regard to them. I confess I think it is scarcely possible to argue to the exclusion of the whole body of Natives on the ground of a failure in one particular jurisdiction. However, I will not pursue the argument any further. I am very glad indeed that you have afforded me this opportunity of stating that Her Majesty's Government adhere entirely to their approval of the principle of the Bill, as stated in Lord Hartington's despatch of December last, and that they have not the slightest intention of instructing the Government of India to withdraw the Bill. You know, of course—indeed it has been referred to by some speakers—that Lord Ripon has referred the Bill, which was laid before the Legislative Council, to the Local Government Committees and to some other local bodies. He has not yet received the whole of the reports which are expected to be returned from those Governments and bodies. When they are received, I have no doubt that in transmitting them to this country he will express the opinion of the Government of India upon the subject, and it may be very possible that the Government of India may come to the conclusion that it is desirable to introduce certain modifications into the Bill, as brought before the Legislative Council, not inconsistent with its general principle. I am sure, however, the deputation will not expect me to allude in any way now to any particular points upon which the Bill might possibly be modified, because it would be very wrong on my part to express an opinion before I know the views of the Government of India, and also the opinions that have been expressed by the Local Governments on those various details. I hope that the deputation who have brought this matter very fully before me will not think that I am giving them a curt answer. I do not in the least desire to do so. I am very sensible, indeed,

of the weight and importance of the deputation that has waited upon me. I find nothing whatsoever in this memorial which I have the smallest reason to complain of. The views of the memorialists, as far as I can gather, are stated in clear, plain, forcible, and very temperate language ; and it is a distinct advantage to the Government that where there is a large body of gentlemen who, although I may not agree with them, entertain very strong views upon a question of importance of this kind, they should lay those views before the Government, and give us a full and ample opportunity of considering them with reference to the subject before us.

Mr. PUGH : I have only, on the part of the deputation, to thank your lordship for having received the deputation, and also to thank you for the careful and considerate way in which you have dealt with the matter.

The deputation then withdrew.

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# LETTER TO THE "TIMES" FROM SIR ALEXANDER ARBUTHNOT, K.C.S.I.

(*July* 27, 1883.)

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TO THE EDITOR OF THE TIMES.

SIR,—As I had no opportunity yesterday of replying to the remark which was made by Lord Kimberley in his answer to the deputation on the Ilbert Bill with reference to the course taken by me in alluding to certain outrages which have lately occurred at Calcutta, I wish to say that the Secretary of State entirely misunderstood my meaning when he assumed that I had referred to those outrages for the purpose of in any way reflecting upon "the character of the native gentlemen who are likely to exercise jurisdiction under this Bill." Nothing could have been more remote from my intention, or from the plain meaning, as I venture to think, of the words in which I alluded to this painful subject. My argument was that the Bill, if it became law, would be a permanent cause of race antipathies, and that by the ill-feeling which it would excite between the English in India and the natives, it would have a bad political effect in impairing the respect and consideration with which Englishmen and Englishwomen, as a rule, are treated in that country; and in support of this argument I alluded to the painful incidents of which we have heard by recent mails, as indicating that the excitement and agitation which have resulted from the introduction of the Bill in question, and the bitter antagonism of race which it has unfortunately revived, had already begun to produce this effect. For, as every one who has lived in India knows, outrages by natives of India against English gentlemen or ladies are, in ordinary times, extremely rare, and the occurrence in the metropolis of India

within a very brief period, and at this time of excitement and agitation, of two such cases as those to which I drew attention, is surely a very significant fact, and one which goes far to justify the apprehensions of those who regard this Bill as a probable source of political difficulty.

And I cannot think that in drawing attention to this fact I am in any way open to the charge of imputing, even by implication, to native officials, least of all to the class of officials who, to repeat Lord Kimberley's words, "are likely to exercise jurisdiction under this Bill," any sort of sympathy with outrage, or of drawing from the outrages which have occurred any inference as to the fitness or unfitness of native magistrates or Judges to exercise the jurisdiction which it is proposed to confer upon them. I recognize quite as fully as the Secretary of State for India can recognize, the impropriety, and, indeed, the absurdity of any such imputations or inferences; and as one who though deprecating as impolitic and uncalled for the withdrawal from Englishmen in India of the privilege of which it is now proposed to deprive them, has long been a staunch advocate of the claims of natives to advancement in the public service, I wish to disclaim in the most public manner the views which have been attributed to me in Lord Kimberley's speech.

I am, Sir, your obedient servant,

ALEX. J. ARBUTHNOT.

Newtown House, Newbury, *July* 27.

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## LETTER TO THE "TIMES" FROM MR. J. DACOSTA.

(*July 27, 1883.*)

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TO THE EDITOR OF THE TIMES.

SIR,—The danger of placing the supreme control of the Government of India, of its vast territories and its millions of inhabitants, in the hands of an officer personally unacquainted with the country, with its people, and with their language, was strongly exemplified in Lord Kimberley's answer to the deputation last Thursday, when his lordship could perceive no political significance whatever in the extraordinary outrages which have recently been committed by natives in India on the persons of Englishmen and Englishwomen. All that his lordship could see was that ruffians existed in India as in other parts of the world; but had he been personally acquainted with India, he could not have failed to perceive that the outrages were such as have rarely occurred in the course of our Indian rule, and been remarkable on previous occasions only when a strong political feeling was aroused among the people, either through some error committed by the Government, or by ambitious men exciting religious fanaticism or otherwise imposing on the credulity of the masses.

The outrages now reported are not such as ruffians commit from personal motives. In every instance the risk incurred has been out of proportion to the ostensible end in view; but they are strongly characteristic of fanatical and race hatred, such as marked the period which immediately preceded the mutinies of 1857. The evil at present might doubtless be arrested by judicious and firm management, but to ignore its significance must inevitably lead to its increase in extent and intensity, and greatly aggravate the ultimate difficulty of suppressing it.

I am, Sir, your obedient servant,

J. DACOSTA.

16, Manson Place, *July 27.*

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## MEETING AT LIMEHOUSE.

(August 2, 1883.)

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*A meeting of the opponents of the Ilbert Bill was held on Thursday, August 2, at the Town Hall, Limehouse; the Hon. E. Stanhope, M.P., in the chair. The Limehouse Town Hall is probably the largest place of meeting in the East End; and it was densely packed, large numbers being unable to find seats. The proceedings were a good deal interrupted by a small body of persons who had evidently joined the meeting for purposes of obstruction; but when the resolutions were put to the vote, only twenty-three hands were counted against them, out of a meeting consisting of several hundred persons. The resolutions were similar to those passed at the meeting held in St. James's Hall. The following speeches were made by Mr. Stanhope, Sir A. Arbuthnot, and Mr. Lethbridge.*

Mr. E. STANHOPE, M.P., in opening the proceedings, expressed his regret that Lord George Hamilton, who had promised to be present, and who warmly sympathized with the objects of the meeting, had that morning suffered a domestic affliction, which prevented his attendance. Turning to the purpose of the meeting, he went on to say that they were met to discuss a measure which was popularly known under the name of Mr. Ilbert's Bill, and he felt quite sure he might appeal to the speakers who would address them on the subject to deal with the question without such attacks upon opponents as they had seen an instance of at the

meeting of the previous day, and with that moderation and calmness which properly befitted the discussion of any Indian question whatever. Up to this time the Committee of Anglo-Indians who had undertaken the opposition to the Bill, had been carrying on that opposition with an absolute freedom from party feeling, and with a moderation, calmness, and good temper in this country which did them the highest credit. (Hear, hear.) They might, he thought, also be certainly very firmly convinced that the facts they had to bring forward and the unanswerable arguments by which they could support their case, had made an impression upon the Government. But, unhappily, they had recently found that a deputation of Anglo-Indians, who had argued their cause in the most moderate and calm manner, had been snubbed by the Secretary of State for India, and that all who had opposed this Bill had been attacked by Mr. Bright in terms of very great violence. Still, it seemed to him that the time had come when every man in this country, to whatever party he might belong, who was deeply impressed with a conviction of the great dangers likely to be involved in the pressing forward of this Bill, was bound, if he had even the smallest influence among his fellow-countrymen, to come forward and take an active part in opposition to it. (Hear, hear.) It was not to be supposed for a single moment that any of them in coming there to take part in this meeting were actuated by feelings of opposition to the larger employment of natives in the Civil Service of India. That policy was not the monopoly of any one political party. (Hear, hear.) He believed that the great charter upon which they now relied, was issued in the time of a Conservative Government. (Cheers.) And there had been no more outspoken and candid supporter of that policy than his friend Sir Stafford Northcote, or any man who had tried more persistently to give that policy practical effect than his friend Lord Lytton. (Loud cheers.) All people interested in Indian affairs, to whatever political party they belonged, had always felt that the policy to which they were called to give their adhesion, required to be applied in the exceptional circumstances of India with due caution, and under the guidance of the experience of those who thoroughly understood the feelings of the natives of the country. That, he believed, had been the policy of all previous Governors-General; but they were now face to face for the first time with a proposal of a somewhat different character, which proposed to subject Europeans in the greater part of the country in all criminal

cases to the jurisdiction of native magistrates, without taking any adequate safeguards whatever. (Cheers.) Considering the manner in which the Bill had been introduced into the country, Mr. Stanhope observed, no one liked to own that he was the father of it. Mr. Ilbert, whose name would always be associated with it, said it was not his, that he was not responsible for it, and that it was the Government of India which had brought in this Bill. But the Government of India, including Lord Ripon, were only too anxious to get rid of all responsibility, and to say that they brought it in because they were urged to do so by Sir Ashley Eden. That gentleman, however, who spoke with more authority than any one, was able to say that he was not for one moment responsible for the Bill having been brought forward in the manner and at the time it had been proposed. They had, therefore, before them a fatherless Bill—a little orphan that no one was willing to claim, and they had to look into its provisions in order to see what merits it possessed. It was in the first place to be observed that the Bill was of very considerable importance to the rich Englishmen in India, but it was a Bill of immeasurably greater importance to the poor Englishmen in India. (Cheers.) Who were the people likely to suffer from the action of this Bill? Those Anglo-Indians engaged in the prosecution of the industries of the country, who lived in remote parts of the country far away from the greater number of the European population. The rich Anglo-Indian was in case of difficulty able to obtain legal assistance of a high character, while the poor man would now be subjected to the jurisdiction of native judges in criminal cases without that right which he had always previously enjoyed, of submitting a case, affecting his liberty and personal character, to the decision of his countrymen. He had noticed that amongst the arguments of those who were earnest supporters of this measure, there was one in particular to which he would like to direct their attention—viz., that special consideration should be given to the position of the judge. It was urged that it was a great hardship to the Native Indian judge, who had worked through the stages of the Civil Service, and who had taken the trouble to acquire legal knowledge, that he should have no jurisdiction over Europeans in India. (Hear, hear.) But it seemed to him that the man they had to think about more particularly, was the prisoner. (Loud cheers.) It might be just as well maintained that because the judges in this country did not like to try cases of murder, because everybody knew that they were

very disagreeable, those cases should be handed over to an inferior judge. In matters of 'this kind we thought always of the prisoner; and with regard to the situation in India, it was felt that the prisoner and his wife and family ought to have the best justice that English liberality and fair play could procure. (Hear, hear.) The second theory which was relied upon in favour of the Bill was that of sweeping away all race distinctions in India; it was said that a beginning was to be made in the work of sweeping away all those distinctions—(hear, hear)—and he did not think that this view of the case could have been more strongly put than it was the previous day by a native speaker, Mr. Lalmohun Ghose, who had addressed the meeting at Willis's Rooms. That gentleman had said that in India there was still one law for Europeans and another for Natives—(shame)—and that the criminal code was full of invidious distinctions of race. Well, this was quite true, and for a reason which he would at once indicate. When in a case going on before a tribunal in India an Englishwoman was obliged to go and give evidence she could be brought there by compulsion, she could be forced to answer every question that every cross-examining counsel could put to her, but a native woman could refuse to go to the court. (Hear, hear.) An exceptional law protected the native woman; her prejudices and the feelings of her countrymen were respected, and she was not compelled to come into court. (Question.) If he were asked what this had to do with the question, he must say that it seemed to him to be the very vital essence of it. (Cheers.) There were undoubtedly distinctions between race. We protected the Native women of India in the court of law, we protected the idols of the people of India, we protected the temples of the people of India, and we protected the other customs and feelings of the people of India, and in every possible way we respected the races, the castes, and the religions of the natives of India throughout the whole of that country. (Cheers.) In summing up this part of the case, what he had to say to them was this; that if they were going to carry out the principle for which Mr. Lalmohun Ghose contended, they would have to sweep away a hundred distinctions in favour of the Native for one in favour of the European. (Hear, hear.) However, he would pass from this point, because neither in India nor in this country were we governed by pure theory. We were governed by practical considerations. If we were going to look into it very critically we should know perfectly well that

our whole Government in India was one of the greatest anomalies in the whole world, and that of all the difficult and intricate questions with which the Government had to deal, the most delicate and intricate was that of the relations between Englishmen and Natives. He would venture to say that when any legislation was proposed in this country or in India which in any way affected relations between Englishmen and Natives in India, we ought to hold fast to two cardinal considerations, which to his own mind ought to influence us in the most important degree. The first of these was that we must secure the safety of our dominion in India, and he did not think that any one had put this point more forcibly than a Governor-General whose name was entitled to the highest respect in every assembly of Englishmen—the late Lord Lawrence. (Cheers.) Lord Lawrence had said that the truest kindness to the natives of India was to take steps to secure the continuance and the strength of our rule. (Hear, hear.) As for his second cardinal condition, it was that they ought, in dealing with any such intricate and delicate question as that to which he had alluded, pay the greatest possible regard to the feelings and knowledge of those Anglo-Indians who had had experience in India. Those Anglo-Indians possessed a knowledge of the customs and of the prejudices of the people of India which no other person could have, however much they might read about India and in that way study the country. Well, he would ask them whether in this particular case the feelings, knowledge, and experience of Anglo-Indians had been appealed to for a single moment in support of the Bill. (“No.”) He might go further and say—and this was a point which had been brought very prominently forward during the last few days—that there was not the smallest evidence that any demand existed on the part of the Natives for any such Bill as that which was now before the Government of India. (Hear, hear.) He held in his hand a letter written by a Native inhabitant of India which put the case with so very much force that they would permit him to read two or three sentences from it. The Native said “that Mr. Ilbert’s proposal to extend the jurisdiction over European British subjects by Natives was certainly impolitic and ill-timed. It was calculated to do more harm than good to the furtherance of Native interests. It might satisfy ideal claims of justice, but, on the other hand, it would excite race feeling and widen the gulf which unhappily existed between Europeans and Natives.” (Hear, hear.) And then he went on to say,

“Legislative measures like the one under consideration should consult the wishes and feelings of those whom they concern. The European community is averse to it, and the Native community has not demanded it. Why, then, introduce a measure which will do no practical good, but incalculable harm, by generating friction between the two races—a deplorable result, in my humble opinion?” (Cheers.) Well, who had been consulted in this matter? They all knew that the class of Englishmen in India who were not officials had never been consulted at all. They knew perfectly well what the result of appeals to the official Englishmen had been. Originally the Local Governments were consulted, and they sent back answers to the proposal of Lord Ripon which were taken by Lord Ripon to imply some adhesion to the principle for which he contended, and thereupon he introduced the Bill. He had sent round the Bill to the Local Governments. We had not yet got their opinions in this country, but what we heard beyond any reasonable doubt was this, that the Local Governments in India were almost unanimously opposed to it. (Cheers.) And one of the things of which he must complain was this, that while they sent home from India a telegram soon enough to explain in their own language, and as he ventured to say, entirely contrary to the facts that were before them, the debate that took place in the Indian Council, because they thought it would tell in favour of the Bill, they were abstaining day by day from sending the answers of the Local Governments; and when they got them he supposed it would be in the same sort of form that they got the debate in the Indian Council. (Hear, hear.) He must say that the Anglo-Indian community had been treated most cruelly, when they were told yesterday at a meeting in Willis’s Rooms that it was open to them to go to the House of Commons and to submit a motion condemning the Bill. He thought he had never heard a more unfair observation, because they knew perfectly well the reason why no motion had been submitted. He might say for himself that the reason why he had submitted no motion to the House of Commons had been, in the first place, because he had been most rigidly careful up to the present time not to make it in the smallest degree a question between parties in this country. (Cheers, and interruption.) Until the meeting of Wednesday, it had never been a question between parties. (Hear, hear.) In the second place he had desired above all things to do what the supporters of this Bill had always urged them to do—he had desired to wait as long

as he could in order that the fullest information might be before the country, and that Lord Ripon himself might have the fullest opportunity of considering the opinions that had been expressed. (Cheers.) But there was another party that had been consulted—the judges of the High Court; and the judges of the High Court, who were specially qualified to express an opinion upon this subject of jurisdiction, had pronounced against this Bill in a paper which, he thought, would long be remembered as one of the ablest State papers ever sent to this country. It seemed therefore to be this, that in the opinion of all those, or almost every one of those, most qualified to judge from their knowledge of the country, and from the experience that they had of the feelings and prejudices of the Natives, it appeared to be felt and admitted that this Bill would not do the smallest atom of good to the Natives of India, and that it might do enormous mischief to the true interests and to the future of India. (Cheers.) He should venture to say in concluding the remarks which he had ventured to submit, that if they desired at that moment, sitting in that room, to take steps for securing the stability of their rule in India, then ask that this Bill might be dropped. (Hear, hear.) If they desired to develop the true interests of India, and to extend into the remotest parts of the country the application of English capital to industrial undertakings, which were calculated to do enormous good to the country, then demand that this policy might be reversed. (Cheers.) And if above all they desired that the difficulties and animosities between races should be gradually and speedily got rid of, and that both Englishmen and Natives should endeavour to be amicably united for the common purpose of promoting the interests of the Empire, then insist upon the withdrawal of the Ilbert Bill. (Cheers.)

Sir A. ARBUTHNOT said that the objections to this Bill had been very fully stated by Mr. Stanhope in the admirable speech to which they had just listened. As, however, he had spent the greater part of his life in India, he might perhaps submit for their consideration a few points connected with this measure. In the first place he should like to remind them of the vast extent of our Indian Empire. India was not only a very great country in the extent of its area, but it was also a very populous country, containing a population of 250,000,000. (Hear.) And this vast country, with its teeming population, was ruled by a small body of Englishmen—a small handful, he might say, in comparison with the millions of Asiatics, who, side by side with a few



thousands of Englishmen, inhabited that great country. (Cheers, and an exclamation of "Shame!" from one corner of the room.) A gentleman had called out "Shame," when he referred to the fact that India was ruled by a handful of Englishmen. He could not believe that this sentiment was shared by that meeting, or by any other assembly of Englishmen; for the more he studied the history of the conquest and government of India, the more was he impressed by the beneficence of English rule in India; and he did not believe that in the history of the world there was another instance of a Government having so thoroughly devoted itself, both in intention and in act, to the task of benefiting a subject people. (Cheers.) It was not, however, necessary for him on this occasion to defend the justice and benevolence of British Indian administration. They could readily imagine that the government of this great country, and of its vast population, by a small body of men of an alien race, was by no means an easy task; that it was a task which needed great judgment and discretion, and that one of the most important matters to keep in view was that the Natives of the country should look up to and respect their English rulers; that while we governed them with justice and benevolence, while we endeavoured to give them peace and prosperity, while we imparted to them the advantages of the discoveries of modern science, while, by improving the communications and developing the irrigation works, we did all that was in our power to avert that great calamity of famine, to which, at all times and under all Governments, India had been subject; while we did all we could to educate the Natives and to give them a share in the government of their country: at the same time we should be most careful to do nothing that might weaken our credit as a powerful nation, or that might sow the seeds of ill-feeling between the English and the Native inhabitants of India, or in any way imperil the safety of the Englishmen and Englishwomen who were scattered over that vast continent. One of the things which had been considered by the wisest statesmen to be necessary, in order to maintain the respect which the Natives of India entertained for Englishmen, and to ensure that the latter should pursue their avocations in safety, was that Englishmen and Englishwomen, when charged with criminal offences in the districts away from the Presidency towns, should be invariably tried by Englishmen. It had been felt that the retention of this privilege in favour of Englishmen and Englishwomen was perfectly compatible

with the liberal policy—liberal not in a political or party sense, but in the sense of governing India for the benefit of the Natives of the country, and of promoting their moral and intellectual advancement, and also their political advancement, so far as was consistent with the supremacy of British rule—which had been avowed by successive Governments of India and successive English ministries. And here he must remind them that, in the words of Lord Lawrence, that great administrator to whom Mr. Stanhope had already referred, the supremacy of British rule was “essential to the well-being of the people of India.” For many years Englishmen in India, when charged with criminal offences, could only be tried by the Supreme Courts, now the High Courts, in the Presidency towns; but this was found to be inconvenient, as with the extension of our Empire the number of Englishmen in India had increased, and the distances over which prosecutors and witnesses and prisoners had to travel were greater than they used to be. (A voice, “A denial of justice.”) Yes, in some few cases there had been, owing to this cause, a practical denial of justice; and accordingly eleven years ago a law was passed which gave jurisdiction to the English Judges and Magistrates in the Provinces to try and sentence Englishmen for certain offences, excluding those of the most heinous kind. On that occasion it was deliberately considered and discussed in the Council of the Governor-General of India whether similar powers should be conferred upon Native Magistrates and Judges, when those offices should be held by Natives, as was likely to be the case to a limited extent at no very distant date; but after full discussion it was settled that it was not expedient or politic, and that, in the interests of the administration of justice, it was not necessary, that the privilege of being tried by their own countrymen, which Englishmen in India had always enjoyed, should be withdrawn from them; and this decision was accepted both by Natives and by Englishmen as a perfectly fair and just decision. It was this settlement—a wise settlement of the question, as he thought—which the Ilbert Bill proposed to undo. Mr. Bright had said at the meeting of the previous day that the Ilbert Bill was a very small Bill. (At the mention of Mr. Bright’s name there were loud and prolonged cheers from some persons who had joined the meeting, and from that time the harmony of the meeting came to an end.) After a pause Sir Alexander Arbuthnot went on to say that Mr. Bright had called the Bill a very small Bill, and that this was true as regards the

present time ; but that in course of time the number of Natives who would exercise the new jurisdiction, if the Bill passed, would considerably increase.

There were several reasons why the proposed change in the law was inexpedient. In the first place it was not necessary for administrative reasons ; for the number of Englishmen in India, though larger than it used to be, was never likely to be so great as to necessitate the withdrawal of the present privilege, in order that justice might be properly administered. In the next place there had been no genuine demand for a change in the law on the part of the great body of the Native community. A noisy section were urging the change, now that it had been put into their heads ; but the demand was, in fact, a factitious demand for a privilege which nobody cared about a few months ago, and not a genuine demand for the removal of a real grievance. In the third place the measure was most distasteful to the great body of Englishmen and Englishwomen in India, and might be a source of danger to many of them. The difference in the habits and modes of life of Englishmen and Asiatics was so great that a Native of India, however intelligent and however anxious to do justice, would hardly, as a rule, be deemed competent to try an Englishman for a criminal offence. Of late years there had been a very great improvement in the qualifications of the Native Judges, and in ordinary times cases of positive injustice would probably be rare ; still it was to be feared that in times of excitement, whether religious or political, such cases would not unfrequently occur. He would leave it to some of the speakers who would follow him, to explain how specially unfitting it was that *Englishwomen* in India should be subjected to the criminal jurisdiction of Native Magistrates or Judges.

Lastly, the proposal to withdraw the privilege to which he had referred, had aroused, and, if carried out would, he feared, perpetuate those antipathies of race, which we had heard of before in India. Within the last week or two we had read of painful incidents in the metropolis of India, of a kind which never occur except in times of grave religious or political excitement. We had heard of insults to English ladies in Calcutta, and of outrages which would never have been ventured upon in ordinary times. He did not wish to be misunderstood. He did not mean for a moment to imply that the class of Native officials who would exercise the jurisdiction which the Bill created, would have the slightest

sympathy with such outrages. He was proud to reckon among Natives of that class several valued friends, who would regard such outrages with not less detestation than that with which we regarded them. What he wished to show was, that situated as the English were situated in India, it was very dangerous to introduce measures which might produce race antagonism, or in any way diminish the consideration in which Englishmen and Englishwomen are held by the Natives of India. (Hear, hear.)

Before he sat down he would refer to another remark made by Mr. Bright on the previous day. Mr. Bright had said a good deal about an Act of Parliament which was passed just fifty years ago, and which contained a clause enacting that no Native of India should be disqualified for any office by reason of his creed, colour, or caste. Now he (Sir Alexander) wished to say that in opposing this Bill, he and his friends were not in any way seeking to exclude a Native of India from any office. The objections which they urged were not directed against the appointment of a Native to the office of Magistrate or Judge, but simply against the withdrawal from Englishmen of the privilege of being tried for criminal offences by their own countrymen; and the retention of this privilege was not incompatible with the advancement of Natives to the offices which he had named. (Hear, hear.) He must also draw attention to a remarkable observation made by Mr. Forster at the same meeting, to the effect that the opposition to the Ilbert Bill had not arisen until after Lord Ripon's Local Self-Government Resolution had been published, the fact being that the intention to pass the Ilbert Bill was not made public until early in the present year, while the Local Self-Government Resolution had been issued so far back as May, 1882. (Hear, hear.) There was one sentence in Mr. Forster's speech with which he agreed, viz., where he spoke of the importance of the Local Self-Government Resolution; but he (Sir Alexander) used the word "importance," as applied to that Resolution, in a very different sense from that in which it was used by Mr. Forster, and in connection with the Resolution alluded to he would conclude by reading to the meeting a passage in a letter which he had received some time ago from one of the most eminent Native officials in India:—  
"I am afraid the measure is at least half a century in advance of its time. I only hope, if introduced, it will not throw back the cause. It is strange, too, that the Government should seek to commence at the wrong end. Why not first

enlarge the legislative councils and give them more powers? The Education Commission, too, I fear is another blunder. It is setting missionaries and natives by the ears. We are never satisfied with what we have, but must do things by leaps and jumps. I begin to feel that a five years' tenure of power is a terrible temptation to a man to do something which should be essentially his own." (Cheers.)

Mr. ROPER LETHBRIDGE, C.I.E., said that his only claim to say a few words in support of the resolution was that he had spent many years of his life in India, that he had learned to love that country and its people, and that he felt certain that this iniquitous Bill, if persevered in, would prove the ruin, not only of the English in India, but of India itself. He wished first to denounce with the utmost indignation the imputation that had been made upon Anglo-Indians that they opposed the Bill from the base motive of jealousy of the natives. They desired to see the natives educated and enlightened, they desired to see them largely and usefully employed by the Indian Government ; but for the sake of the natives themselves, as well as for the sake of the Empire at large, they did not desire to see them placed in positions for which they were entirely disqualified, however high their character and education, by reason of their social customs. When native magistrates broke through the shackles of caste—under which the poor low-caste man was not allowed to stand on the same carpet with the Brahmin, even in a Court of Justice—when they learnt to look upon women as the equals of men, when they married one woman only and respected her as their equal ; then, but not till then, would he and those who agreed with him be prepared to hear of their sitting in judgment on Englishwomen. In the next place, the people directly affected by this measure were the few native magistrates who would obtain this jurisdiction on the one side, and whole body of Englishmen and Englishwomen residing in the rural districts, on the other side. The vast bulk of the natives neither knew nor cared about it ; whilst the most liberal and most intelligent section of the native community deplored it, as surely causing hatred between the Native and the Englishman. A renowned orator had uttered an unworthy sneer against them on the previous day, because in their memorial to the Secretary of State they stated that the Englishmen and Englishwomen who would be affected by the Bill belonged almost entirely to the poorer classes ; but he challenged Mr. Bright and every one of the supporters of the Ilbert Bill to disprove the statement. It

was not the wealthy planter or the influential official who had anything to fear, at least for the present, from the Bill. But in the rural districts that would come under the operation of the Bill, there were thousands of industrious, intelligent English working men, who were the very bone and sinew of the commercial enterprise of the country, who worked the railways which have proved such a boon to India, and whose skill and intelligence guided the manual labour of native workmen, and it was against those men that false charges would be brought, whose wives and daughters would be subject to intimidation and extortion, and who would ultimately be driven out of the country, to the ruin of its commerce and to the disgrace of the English name. The assertion that only a few English men and women would be touched by the Bill was used as an argument in its favour, but even were the number few, which he denied, he contended that by driving them out of the country they would entirely destroy the great nascent industries of India, for no capitalists would invest capital in a country where their employes were not secure. (Hear, hear.) It was urged by the supporters of the Bill that justice must be done, even if the whole of the commerce of India and of England were destroyed ; that if the native magistrates were qualified to exercise jurisdiction, the power should be given to them, even at the risk of lowering every workman's wages in India and in England. To that he assented without the smallest hesitation. But he would ask any one who had read the petition, which was signed by nearly every Englishwoman in India, and which was in the hands of many present that evening, whether it could be said that native magistrates, however high their character and ability, were qualified to judge of the actions and motives of Englishwomen. It was an undeniable fact that native magistrates had been brought up under a social system that held women to be distinctly inferior to men, and under such circumstances it would be a monstrous thing that they should deliberately change the law of the land in order to render Englishwomen liable to be dragged up for trial, perhaps on the most humiliating charges, before magistrates who were entirely unable to understand or to appreciate their actions or their motives. (Cheers.)

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# LETTER TO THE "TIMES" FROM THE RIGHT HON. SIR LAURENCE PEEL.

(Formerly Chief Justice of Bengal.)

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SIR,—Judges neither in India nor elsewhere are measurable by their jurisdiction, but by their merit. A peremptory challenge to a juror may proceed solely from the defendant's distrust. The allowance of it by the law is *in favorem vitæ*, and implies no disesteem of jurors or juror. I entertain no distrust whatever nor fear of miscarriage by native Judges, if well selected. I, therefore, if a defendant, should challenge none; but if my co-defendant did, why should I seek to deprive him of his peremptory challenge? This remnant of the law, whatever you call it—privilege, or by whatever other name—is virtually in the nature of a peremptory challenge. Nobody would have offended me by objecting to my being summoned on the Judicial Committee on an appeal in a given case merely because I was not a native Judge, supposing such a ground of challenge had been tenable. If a Hindoo, or Mahomedan, or other native Judge is taught to confound extent of jurisdiction with judicial fitness, he will so far have been led astray and made to imbibe false notions of his office and dignity. Nobody in truth can degrade him but himself. Why should any one suppose the trial of a European more difficult to try in India than that of a native? The challenger may be ignorant, prejudiced, or stupid; the challenged eminently in all things his superior. Is, then, the challenged self-abased or generally lowered by the allowance of a peremptory challenge? Insults to Judges and comparative estimates of Judges do not seem elements in this inquiry. Suppose it were proposed in England to try all criminals by a Judge without jury. Would any one

by suggesting that the Judge would probably try them better, calm the ferment of men's minds at the bare proposal? The reality and strength of sentiments, and not their abstract reasonableness, generally determine questions of expediency as to overpowering or yielding to them. This particular privilege has no connection whatever with dominion or high hand; it came in originally by concession from native power, grew and prevailed where no *lex loci* existed, and is as completely the result of the force of circumstances, usage, and custom as any law of any kind that exists in India. To make it now seem offensive to natives and derogatory to native Judges, is simply giving a bad name and executing on the misnomer.

I have the honour to be, Sir, your obedient servant,

LAURENCE PEEL.

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## A PLAIN STATEMENT ABOUT THE ILBERT BILL FOR ENGLISH READERS.

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AT a time when so much controversy rages around what is known as the "Ilbert Bill," a little information about it may not be out of place.

The parties to the controversy are the Viceroy of India and Her Majesty's European British subjects in that country.

Though few in numbers, the latter claim a hearing for two reasons.

The first is that the Viceroy is the aggressor, and wishes against their will to bind them as they were never bound before.

The second is that the proposed Act against which they protest, is aimed at them exclusively; and that the whole of those whom it will affect are united in protest.

What does the Viceroy propose doing? It is, in a few words, to bind, for the first time in history, the European British subjects of Her Majesty in the interior of India to submit to be tried on criminal charges by a Native of the country, provided he belong to the Covenanted Civil Service, and get the power from Government. Europeans criminally accused have hitherto been able to claim a trial by one of their own countrymen. The right of making this claim is to be taken away.

Now, it is a wholesome English maxim that to invade any man's freedom, to bind him where he was not bound, is an evil in itself, justifiable only to remedy some greater evil. When this proposal was made thus to bind the Europeans under his care, it was the Viceroy's duty at once to inquire what was the existing evil to be remedied.

It might have been that there were not enough of Courts.

But, even if Lord Ripon's prophecy that, many years hence, the Natives in the Civil Service would be one-sixth of the whole, were to come true, there would still be one European member of the Service for every five or six European families in the part of the country to be affected by the Bill. All those who ought to know say that it will never be difficult to get a European man or woman tried by a European. In this very Bill, too, provision is made for gradually abolishing many good and efficient Courts—those presided over by Europeans outside the Civil Service.

It might have been that Europeans are unruly and unmanageable. There is the Viceroy's own testimony that they are orderly and law-abiding. It does not fall to one qualified magistrate out of five or six to try a case against a European once a year. They are well in hand, and it is not suggested that the control of Natives will improve them.

These two considerations, viz., that there are plenty of Courts, and that Europeans are doing well as they are, ought to have proved to the Viceroy that the Bill was not needed, that there was no evil to be remedied.

But the Bill is to remedy injustice. Injustice to whom? It is said that for want of having Europeans bound to submit to trial by them, three or four Natives now, and three or four score hereafter, will not be able to get promotion. It might be answered, "What if their promotion is stopped? Is an evil to be inflicted on many thousands, in order to remove an obstacle in the path of a few already fortunate ones?" But there is another answer. The want of this bond will not hinder their promotion. They can get the same pay, rank, and work, whether the Bill is passed or not. The trial of a European is so unusual an occurrence that it can easily be arranged for otherwise.

But it is said that if Europeans are not bound to submit to trial by them, a "slur" will be cast on them, and, through them, on all the people of India. What has that to do with it? No Native ever had this dignity, and there can therefore be little slur in refusing it now to a few Natives. The highest authorities are constantly declaring that there would be no slur. But if there be any slur, it does not lie in the mouth of the authors of this Bill to use it as an argument for the Bill. The same Bill which is to soothe the feelings of three or four Natives now, and three or four score in the future, by declaring them eligible for appointment to try Europeans, insults (if there be any question of slur) the whole European community outside the Civil Service, by

declaring its members for the first time ineligible, and retains the slur upon all the Native communities in India, except these few persons. The Bill is declared a *final* measure, so the slur on all, Europeans and Natives, outside the Civil Service, is designed to be permanent. No one talked of "slur" in connection with this matter before ; but now the blot has been seen, and recognized, and is to be allowed to remain.

But is not a Native who is fit to try a Native fit also to try a European ? The Viceroy himself answers "No," for he permanently disqualifies numbers of Native magistrates trusted to try Natives. The Europeans tried to avoid the question by saying that, even if they were fit, their services are not needed. But if further pressed, they may answer that the fitness from one work does not follow from fitness for the other ; they are utterly different. Then the question is asked "Europeans try Natives ; why not Natives Europeans ?" The Europeans might reasonably say that they prefer Europeans to Natives, and Europeans are available. They might say that there are 250,000,000 Natives and not half as many thousand Europeans. Somebody must try the former, and Europeans are found to do it as well as Natives with efficiency. The latter are so few in number and cases against them so few that the Europeans need no help. But further, a European magistrate trying a Native has in his Court Native ministerial officers, a Native bar, Native police, and a Native crowd. He is in the midst of Native manners and customs. The Court language is the vernacular of the place. He has a long and varied experience of Natives. The Native magistrate trying a European has all these Native surroundings which are strange to the European accused. The latter is probably utterly alone, disturbed in mind, and in trouble about nearly everything. The Native magistrate is not familiar to him. The Native magistrate has probably not been to England, and has not seen one European, for every hundred thousand Natives the European magistrate has seen. The Native has no knowledge of Europeans, and little means of gaining it. Granted equal intelligence, the European magistrate trying a Native has enormous advantage over the Native trying a European. With all this, Native agitators say the European cannot try the Native properly. With what force can they say that the Native can try a European ?

It was anticipated by the Viceroy, when the Bill was first introduced, that it would meet with no opposition. That

was a mistake, and that the opposition was not factious perhaps reason has been given above to show. In order, however, that the dispute may not be conducted as in a debating society where nothing depends on the result, let the reader remember that this controversy is likely to affect the fortunes and lives of many good and honest men and women. Unfortunately if harm is done it is not likely to be sensational, so it will be all the worse to remedy.

Take, for instance, John Smith and his wife Jane. John is not a travelling M.P., or a sportsman out for the winter's shooting, or a great official on high pay. He is earning an honest living as a tea or coffee or indigo planter's assistant, a merchant's agent, a trader, or manufacturer, a driver, guard, or way-inspector on the railway, a tester or mechanic in a mill.

They have a prospect of many years of hard work before them, and cannot do much more than make both ends meet. John's duties take them out to live at a place far away from the Presidency towns, out of reach of European neighbours, European barristers, newspapers, High Court. They have none but people of the country around them, it may be Burmese, Bengalis, Mahrattas, or others. These are in thousands. John does business with them; perhaps Jane keeps a stock of medicine and doctors them, and John decides their little disputes.

But John gives offence to some one, in one of hundreds of ways. It may be a neighbour with whom he has a land dispute, or who wants to get him out of the country as Shylock did Antonio; it may be a clerk whom he has caught embezzling, or a servant who has been stealing the horse's food, or carelessly giving bad water to him or Jane to drink (which means cholera), or a hand who has carelessly broken valuable machinery.

The offended person lays a plot. There are hundreds of persons available as witnesses, and, as is done every day by Natives against Natives, a criminal case is concocted, made as plausible as possible, and probably rehearsed in action, both the act to be charged and the scene in Court, magistrate, witness, and bar all being represented. The complaint is laid, and John is summoned. If it is his busiest time, so much the better. The Court is not at his door. He has to go ten or twenty miles to Court. He will find no hotel, no lodgings, no suitable food or drink. He must take his food with him; and, anxious about his work and his wife, whom he has to leave unprotected, he has to set out. When he

arrives at Court he finds Natives everywhere, all the understrappers, the police, the bar, and the crowd of idlers. He is a stranger, and alone. Perhaps there is great delay before his case is called, and he has to wait on a hot day in May, or a dripping wet day in the rains, hour after hour. Perhaps he employs some one of the Native lawyers of the place, but they, though ingenious enough, don't understand a European.

The case is called. Prosecutor and witnesses stand up, confident and well-coached (unfortunately, as nearly all witnesses, true or false, are coached up, it is not easy to distinguish), and he is called on to cross-examine. John is no better lawyer than his countrymen in general, and it is doubtful whether his questions, or the ingenious but ignorant questions of his lawyer, would do most harm. He may want to call his wife as a witness; and, if they are allowed, the other side will try to break her credit in cross-examination with questions which no modest woman will face. Then there is the judgment after more or less delay. If John is convicted, he is punished; if he is not convicted, he is punished. It has been loss enough to have to leave work and home, to risk illness and dawdle away his time and money in the stuffy court. It is nothing to the Natives on the other side, who are possibly paid for their outing, and even if not, probably enjoy it.

Now, here John is on the defensive, and cannot retaliate in kind. Being a law-abiding, orderly man, he is not likely to retaliate by violence. He needs the utmost protection that the law can give him. He cannot afford a wily detective to expose the plot; without the independent press, and bar, and public; with no adviser but perhaps Jane; with no appeal (how could the Court of Appeal upset a plausible decision on plausible evidence?), or resort, John is in a bad case.

At every stage in the case he takes comfort from the fact that the magistrate who will try him if accused will be a European whom he trusts, because he feels a European will understand him. Before any case is instituted, he knows that his enemies will not be so bold in alleging crimes against him of which he is innocent, when they know that the case will pass through the hands of one with some knowledge of the European character. You can persuade a man who knows nothing about them that turnips grow on trees, but ten thousand witnesses will not make one who knows believe it. Then the European magistrate will see that there is no undue delay in taking up and disposing of the case; will not

fancy insult where none is meant, and will perhaps be more patient with petulance caused by grief of mind. He will be able to understand in all its points the story of the accused, and take the allusions to customs and facts which a Native would not understand. He will be able to clear up doubtful points by a few questions put to the witness, which John for want of skill, and the Native pleader for want of knowledge, would not think of putting. If Jane comes into the box as a witness, he will be able to understand her feelings and stop all attempt to give her unnecessary pain in a way that a Native, who has quite a different idea of womanhood, would perhaps, from thoughtlessness, not think of doing. He could strip a false or exaggerated charge of much falsehood or exaggeration as a Native, from ignorance of European habits and customs, could not; and would have much greater certainty in attributing its proper weight and significance to each word or action. If he convicted, he would be better able to tell what would be the proper punishment to give.

John and Jane are able with this assurance to walk about as freely and fearlessly in India as at home, though they have no public round them, no press, no European neighbours, and cannot get an English lawyer to defend them if they are attacked. They feel that without the safeguard of a European tribunal, even should they never come before it, they must go about like a crab without its shell, shrinking at every touch, yielding to every one, sneaking into holes. What the public, the press, the bar, and the Court are to a law-abiding, law-loving citizen at home, all these the European tribunal is to honest, homely John and Jane in the lonely places of that far-off Eastern land. With all respect to the Native *protégés* of Government, they do not feel that these can possibly be a proper substitute. So, if Lord Ripon insists on saying his Native *protégés* (so very few there are of them) will do as well, John and Jane will have to go about shrinking and trembling for the rest of their time in India, because they do not agree with him, and he, having a giant's power, insists on using it as a giant.

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# LIST OF MEMBERS OF THE ANGLO-INDIAN ASSOCIATION.



## ANGLO-INDIAN ASSOCIATION.

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FOR OBTAINING THE WITHDRAWAL OF THE INDIAN  
CRIMINAL PROCEDURE ACT AMENDMENT BILL.

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late Member of Council at Madras, and Member of the Supreme Council of  
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 Ball, V., F.R.S., late of the Geological Survey of India.  
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 Barker, W. R., Landed Proprietor, Jubbulpore District.  
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 Barlow, Colonel C., late 10th Foot.  
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 Basden, Major-General Ch. B., Bengal Staff Corps.  
 Battye, Colonel A. F., late Bombay Staff Corps, and commanding 7th Regiment N.I.  
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 Beckwith, J., late High Sheriff of Calcutta.  
 Beddy, Lieut.-Colonel E., Bengal Staff Corps.  
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 Bergman, Conrad, Tea Broker, late of Nazira, Assam.  
 Bell, Surgeon-Major G. C., late Bombay Army.  
 Berners, Henry, of Amgoorie Tea Estate, Assam.  
 Berners, W. T., late of Calcutta, Merchant.  
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 Blair, Colonel C. S., late Deputy Commissioner, Mysore.  
 Blair, Colonel G. F., retired, Royal (late Madras) Artillery.  
 Blair, J. Hunter, late Madras Civil Service.  
 Blake, General H. W., late Madras Army.  
 Blake, G. W., of Tirhoot, Bengal.  
 Blake, H., Chetwand School, Bengal.  
 Blount, Major W., late Madras Army.  
 Boileau, Colonel T. T.



- Bond, Major-General F. W., late Madras Army.  
Bonnor, Colonel R. M., late Bombay Staff Corps.  
Booth, Dr. B. S., late of Behar.  
Borradaile, John.  
Botler, G. B., Kinacoorie Estate, Nilgiri Hills.  
Boulderson, Colonel S. S., late Bengal Staff Corps.  
Boulderson, A., late Bengal Civil Service.  
Bourdillon, J. A., Bengal Civil Service, Registrar General.  
Bowring, Lewin, C.S.I., late Chief Commissioner of Mysore.  
Boyle, R. J., Jorehaut Tea Estates, Assam.  
Bramwell, Captain G., late Bombay Staff Corps.  
Branson, J. H. A., Barrister-at-Law, late of Calcutta.  
Brereton, W. H.  
Britten, Major-General T. E., late Bombay Staff Corps.  
Bródríbb, W. A.  
Brown, Sir J. Campbell, K.C.B., late Surgeon-General, Bengal Army.  
Broughton, Colonel W. E., Bengal Infantry.  
Brookes, C. J., Hon. Magistrate of Calcutta.  
Brown, General W. Tod, C.B., late Bengal Army.  
Brown, Colonel C. R., Bengal Army, retired, late Commissioner of Delhi.  
Brown, G. F. H., Bombay Medical Service, retired.  
Brown, Major-General G. R., late R.H.A., Bengal.  
Brown, Colonel E., late 101st Royal Bengal Fusiliers.  
Browne, W. J.  
Browne, Lieut.-Colonel E. F. J., late Bengal Army.  
Buchanan, Major-General J.  
Buckland, C. T., Bengal Civil Service, late Member Board of Revenue, Calcutta  
Bullen-Smith, J. R., C.S.I., late Member Legislative Council of India.  
Bunbury, Captain W. Douglas.  
Burke, G. J., M.I.C.E., late Executive Engineer, P.W.D.  
Burkinyoung, W., Tea Planter, Assam.  
Bushe, Colonel H. K., Bombay Army.
- Cadell, Colonel B. W., Retired List B.S.C.  
Caithness, J. E., Bengal Legislative Council.  
Cameron, Major T. M., late Bengal Army.  
Campbell, Lieut.-Colonel W. M., R.E.  
Campbell, R., Manager National Bank of India.  
Campbell, R. O., late Member Legislative Council, Madras.  
Carey, General T. A., late Bengal Staff Corps.  
Carleton, Colonel, late Madras Artillery.  
Carnegie, R. G., late of Bengal.  
Carstairs, R., Bengal Civil Service.  
Carter, Surgeon-Major F., retired, formerly Civil Surgeon in Oudh.  
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Cavenagh, Sir Orfeur, K.C.S.I., late Governor of the Straits Settlements.  
Cavendish, R. F., Dibrugarh, Assam.  
Cavendish, R. R. F., Tea Planter, Assam.  
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Chalmers, M. D., Barrister, late Bengal Civil Service.  
Chalmers, Patrick.  
Channer, Colonel G. G., late Bengal Artillery.  
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Chester, Charles, late Bengal Civil Service.  
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Northern India, late Chairman of the Indian Section of the Society of Arts.  
Clay, Major-General A. D., late Madras Army.

- Clay, Colonel C. H., Bombay Staff Corps.  
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 Clerk, Major-General H.  
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 Cockburn, Surgeon-General R., Bengal, retired.  
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 Collingridge, F., of Doudpore, Tirhoot, Bengal.  
 Collis-Sandes, F., late Administrator-General of Bengal.  
 Collis, S. E., J.P., Solicitor, Calcutta.  
 Colvin, J. C., Bengal Civil Service, retired.  
 Comber, Colonel A. K., Bengal Staff Corps.  
 Cookson, Major-General J. G., Madras Cavalry.  
 Cookworthy, Major-General C., late Royal (Bengal) Artillery.  
 Cooney, J. E., late Bengal Medical Department.  
 Cooper, Lieut.-Colonel Richard.  
 Cornell, W., late Bengal Civil Service, Judge of Midnapore.  
 Corbyn, Deputy-Surgeon-General J. O. (retired), Bengal Army.  
 Cotton, General Sir Arthur, K.C.S.I., R.E. (Madras).  
 Cotton, Major-General F. C., C.S.I., late Madras Engineers.  
 Cotton, R. R., late Madras Civil Service and Judge of Madura.  
 Couchman, Lieut.-Colonel W. D., late Bengal Artillery.  
 Couper, J. C.  
 Cowe, George E., late Judge Small Cause Court, Madras.  
 Cowie, T. H., Q.C., late Advocate-General of Bengal.  
 Cowper, Colonel T. A.  
 Cox, W. S. H., of Charambody, Ootacamund.  
 Coxhead, T. E., Bengal C.S., Magistrate and Collector of Dinajpur, Bengal.  
 Crane, H. P., C.E., late Assistant-Engineer, Bengal, P.W.D.  
 Crawford, T. A., late Bengal Civil Service, and Collector of Customs, Calcutta.  
 Crawford, D. R., Indigo Planter, Tirhoot.  
 Crommelin, A. N., late Superintending-Engineer, P.W.D.  
 Crooke, F. J., late of Calcutta, Merchant.  
 Crooke, Henry, late of Calcutta, Merchant.  
 Crozier, F. H., late Madras Civil Service.  
 Luffe, Major-General G. G., late Indian Staff Corps.  
 Currie, S., C.B., late Principal Medical Officer H.M.'s Forces, India.
- Dacosta, J., late of Calcutta, Merchant.  
 Dalrymple, J. W., late Bengal Civil Service, and Commissioner of the Bhagulpore Division.  
 Dance, Major-General E. W., R.A.  
 Dandridge, Major-General C. C., late Indian Army.  
 Daniel, Major-General, late Madras Staff Corps.  
 Daniell, F. C., of Calcutta.  
 Davidson, James, Tea Planter, Debrooghur, Assam.  
 Davidson, Major-General R., late Bengal Army, and Deputy-Commissary-General of Bengal.  
 Davidson, R. B., M.D., Tea Planter, Cachar.  
 Davidson, J., Puttarea, Sylhet, Bengal.  
 Davidson, S. C., Lehong Tea Estates, Cachar, Bengal.  
 Davis, F. W., Locomotive Department, Rajputana Malwa Railway, Ajmere.  
 Davis, Lieut.-Colonel A. H.  
 Davies, Major-General H. N. G., Bengal Staff Corps, retired, and late Secretary to the Local Government, and Deputy-Commissioner British Burmah.  
 Dawson, Major-General J., late Indian Army.  
 Dayrell, Lieut.-Colonel T., late Bengal Staff Corps.

- Dennis, Major-General J. B., late R.A.  
 De Renzy, Surgeon-General A. C. C., C.B., late Sanitary Commissioner of Assam, and of the Punjab.  
 De Winton, W. B., Executive Engineer, Madras, P.W.D.  
 Dick, Major-General W. A., late Political Superintendent, Sind Frontier.  
 Dickinson, B., Tea Planter, Darjeeling.  
 D'Oyly, Major-General Sir C. W., Bart., late Bengal Staff Corps.  
 Doran, J. C., late Tutor to H.H. the Nawab of Bahawalpur.  
 Douglas, General C., R.A., late Director-General of Telegraphs.  
 Doyne, R. V., part Proprietor of Amgoorie Tea Gardens in Assam, Rampore Gardens, Cachar.  
 Dunbar-Kilburn, E., late of Calcutta, Merchant.  
 Dunn, W. H., C.E., late Executive Engineer, P.W.D., British Burmah.  
 Dunn, Y. M., late Executive Engineer, P.W.D., British Burmah.  
 Dunsford, General H. F., C.B., Bengal Staff Corps, formerly commanding in Assam.  
 Eardley-Wilmot, Lieut.-Colonel R., 14th Bengal Lancers.  
 Earle, Major-General W. H. S., late District Superintendent of Police, Bareilly.  
 Edwards, J. N., late of Calcutta.  
 Edwards, R. M., late Bengal Civil Service, Commissioner of Rohilcund.  
 Eliot, Major-General John, Royal (late Bengal) Artillery.  
 Elliot, Sir Walter, K.C.S.I., late Madras Civil Service, and Member of Council.  
 Elliot, Thomas, of Bor Sapor Tea Estate, Assam.  
 Elliot, Captain E. L., 1st Bengal Lancers.  
 Elliot, W. T.  
 Elphinstone, Alex.  
 Elphinstone, Colonel P. A., late Bombay Staff Corps.  
 Elphinstone-Dalrymple, H., late Police Magistrate, Madras.  
 Emerson, Major-General J. (retired), formerly Cantonment Magistrate of Dinapore.  
 Fahie, W. J., C.E., late Executive Engineer, P.W.D., Bengal.  
 Fane, E., late Madras Civil Service, and Member of Board of Revenue.  
 Fane, H. B., late Bengal Civil Service, formerly Judge of Mirzapore.  
 Farmer, H. A. S.  
 Farquharson, Major-General G. M'B., late Bombay Staff Corps.  
 Farrer, Colonel A., late Hyderabad Commission.  
 Fawcett, E. B., M.A. Cantab.  
 Fawcett, Lieut.-Colonel R. H., late D.A.A.G., Bellary.  
 Fenner, H. A. S., Executive Engineer, Punjab.  
 Fenwick, Major G.R., late Editor, *Englishman*, Calcutta, *Civil and Military Gazette*, Lahore.  
 Fergusson, James, C.I.E.  
 Fergusson, F. J., Barrister-at-Law, High Court, Calcutta.  
 Ferris, Lieut.-Colonel W. S., late Bengal Army.  
 Fisher, Colonel G. B., Bengal Army.  
 Fisher, W., late Madras Civil Service, Political Resident in Travancore and Cochin.  
 Fitzgerald, Surgeon-General P. Gerald, late Madras Army.  
 Foley, The Rev. J., Missionary, Bengal.  
 Foord, E. B., late Madras Civil Service and District Judge, Chingleput.  
 Forbes, H., late Madras Civil Service, Member of Legislative Council, India.  
 Forbes, Louis, late Madras Civil Service, Member of Legislative Council, India.  
 Forrest, R. E., M.I.C.E., late P.W.D.  
 Forrest, Captain R. H., 2nd Punjab Cavalry.  
 Forsyth, Sir T. Douglas, K.C.S.I., C.B., late Commissioner, Punjab.  
 Forsyth, Major-General A. G., late Bengal Staff Corps, formerly Cantonment Magistrate, Cawnpore.

Fothergill-Smith, Dr. R. G., M.D.

Fowle, F. C., late Bengal Civil Service, late Judge of Tipperah.

Fox, Colonel E. S., late Bengal Staff Corps.

Fraser, Colonel G. W., Bengal Staff Corps.

Freeth, Lieut.-Colonel W., late Madras Army.

Fulton, Lieut.-Colonel J., Bengal Army, retired.

Fulton, Major-General G. A., Madras Infantry.

Gabb, Lieut.-Colonel, late Madras Staff Corps.

Gaitskell, Major-General F., C.B. (retired).

Gaitskell, Lieut.-Colonel J. G., Bengal Army (retired).

Gale, J., late Indigo Planter at Tirhoot, Bengal.

Garrett, John, late Director of Public Instruction, Mysore and Coorg.

Germaine, R. A.

Gill, Lieut.-Colonel C., late Madras Army.

Gillespie, Lieut.-Colonel Alex., late Bengal Artillery.

Gladstone, S. S., E.I. Merchant, late of Calcutta.

Gladwin, Rev. Charles, M.A., Bengal Ecclesiastical Establishment.

Glazebrook, W. A., Merchant.

Goad, G. S., of Nazira, Assam.

Goddard, Major-General R. E.

Godwin-Austin, Lieut.-Colonel H. H., late Bengal Staff Corps, late Survey Dept., Assam.

Goodhall, Henry B., Barrister, late Deputy-Magistrate and J.P., India.

Gordon, Surgeon-General C. A., C.B., late Principal Medical Officer British Forces, Madras.

Graham, Major-General J. M., late Deputy-Commissioner, Lakhimpur, Assam.

Grant, Thomas, Zemindar, Bhaugulpore, Bengal.

Grant, G. H., Zemindar, Bhaugulpore, Bengal.

Grant, A., C.I.E., late Chief Engineer, P.W.D., India.

Grant, J. R.

Grant, W. M., Bhaugulpore, Bengal, Zemind.

Grant, W., Barrister, Madras.

Gray, Major-General W.

Gray, Lieut.-General W. J., R.A., Bengal, retired.

Greene, Colonel G. T., C.B., Retired List, Bengal.

Gregg, H., late of Burkhold, Cachar, Bengal.

Grey, Edward, late Bengal Civil Service.

Griffiths, L. E., late of Calcutta Merchant.

Hackett, Major-General J., late Commandant of H.M's 76th Regiment.

Hailes, Major-General J. C., late Bombay R.A.

Hall, Arthur, late Madras Civil Service, Member of Board of Revenue.

Hall, Major-General L. A., late R.A.

Hall-Stephenson, Major J. T. S.

Hamilton, T. F., Merchant, Calcutta.

Hamilton, Claud H., formerly an additional Member of the Council of the Governor-General of India.

Hankey, H., Bengal Civil Service, late Inspector General of Police, N.W.P.

Hankin, Colonel G. C., Bengal Staff Corps.

Harrison, Lewis, late of Calcutta.

Harriden, J., of Calcutta.

Harris, Major-General J. T., late Bengal Staff Corps.

Harris, Deputy-Surgeon-General W. H., late Professor Madras Medical College.

Hastings, Surgeon-General T., Bengal, retired.

Hatch, Major-General G. C., Bengal Staff Corps.

Havelock, Lieut.-Colonel A. C., Madras Staff Corps.

Haydin, J., of Calcutta.

Hefferman, Surgeon-Major, J. J., late Madras Army.  
 Hellard, Commander S. B., late Indian Navy.  
 Henderson, C. P., Henderson & Co., Calcutta.  
 Henderson, W., late Officiating Superintending Engineer, and Engineer-in-Chief, P.W.D.  
 Hennessey, J., Zemindar Maldah, Bengal.  
 Henry, James, Proprietor, Tea Estates, Assam.  
 Hill, T. N.  
 Hill, R. H., Indigo Planter, Chumparum, Bengal.  
 Hills, Major-General Sir J., K.C.B., V.C.  
 Hills, R. S., late of Calcutta, Merchant.  
 Hilliard, Major-General G. T., Madras, retired.  
 Hodgson, Major-General F. G., late Madras Staff Corps.  
 Hodgson, H. P., Craignore Estate, Nilgiri Hills.  
 Hodgson, Major-General H. N., late Bengal Army.  
 Hogg, Sir Stuart, late Bengal Civil Service, and Commissioner of Police, Calcutta.  
 Hogg, Captain Hardinge C., 3rd Bombay Light Cavalry.  
 Hoggan, Major-General W. C., late Bengal Army.  
 Holland, Colonel G. H., formerly Qr.-Master-General, Bombay, and Chairman G. I. P. Railway.  
 Holland, Major-General H. W., C.B., retired Bombay Staff Corps.  
 Holland, Major-General T. W.  
 Holland, Major W. T., late Bengal Staff Corps.  
 Holroyd, Major-General C. (retired), late Deputy-Commissioner, Assam.  
 Holroyd, Major-General G., Bengal Staff Corps.  
 Hopkinson, Major-General H., C.S.I., late Chief Commissioner of Assam, and Agent to the Governor-General North-East Frontier.  
 Hosack, D. D. F., Tea Planter, Assam.  
 Houchen, Major G. A. F., Retired List.  
 Houghton, Colonel W. R., Bombay Staff Corps.  
 Hudleston, Colonel W., late Madras Staff Corps.  
 Hudleston, W., C.S.I., late Madras Civil Service, and Member of Council, Madras.  
 Hudson, Cunningham, of Calcutta, Merchant.  
 Hudson, H. W., Indigo Planter, Chumparum.  
 Hudson, W. H., Bengal Civil Service.  
 Hull, E. C. P., Merchant, formerly of Madras.  
 Hume-Williams, W. E., Barrister-at-Law.  
 Hussey, Captain L. J. W.  
 Hutchinson, Major-General G., C.B., C.S.I.  
 Hutchison, Colonel L. R. de M., late Madras Army  
 Hutton, James, late Editor *Calcutta Englishman*.

Ingham, Brevet-Lieut.-Colonel R. B.  
 Ironside, W., late of Calcutta.

Jack, Evan A., late of Calcutta, Merchant.  
 James, A. G. F. Eliot.  
 James, John, Executive Engineer, P.W.D.  
 Jephson, Colonel H. J., late commanding 102nd Fusiliers.  
 Jenkins, Colonel E. G., late Bombay Staff Corps.  
 Jenkins, H. L., late Hon. Magistrate of Sibsagar, Assam.  
 Jennings, S., late Financial Department, Government of India.  
 Jermyn, Lieut. R. F., late Indian Navy.  
 Jones, H. M., late of Calcutta.  
 Jopp, Lieut.-Colonel Keith, late Bombay Staff Corps.  
 Johnson, Major-General Sir C. C., K.C.B., late Quarter-Master-General of the Bengal Army.  
 Johnston, C. E.

- Johnston, Surgeon-General W., late Indian Army.  
 Johnstone, Major-General H. C., C.B., Bengal Retired List.  
 Joynt, Surgeon-General F. G., Indian Medical Department.
- Keatinge, Colonel R. H., V.C., C.S.I., late Chief Commissioner of Assam.  
 Kennedy, S. C., Merchant, Calcutta.  
 Kennion, Lieut.-Colonel T. E., late Bengal Artillery.  
 Kerans, Lieutenant P. G., Cantonment Magistrate, Punjab.  
 Kernot, Dr. C. N., of Calcutta.  
 King-Harman, Major M. J., Bengal Staff Corps.  
 King, J., late Superintendent Presidency Gaol, J.P., Calcutta, Member of Municipality.  
 Knight, J. B., C.I.E., late Member Bengal Legislative Council.
- Lambart, Major-General W. E., Bombay Retired List.  
 Lance, C. E., late Bengal Civil Service.  
 Landale, D. G., of Calcutta, Merchant.  
 Lander, General J. E., Bengal Establishment.  
 Lane, W. G. L., late Bengal Civil Service.  
 Langford-Locke, R., C.E., late Executive Engineer, P.W.D.  
 Law, Colonel S. C.  
 Lawder, J. Ormsby, Executive Engineer, N.W.P.  
 Lawrence, G. H., late Bengal Civil Service, and Judge of Aligarh, N.W.P.  
 Lawrence, General Sir George St. P., K.C.S.I., C.B., Bengal, Retired.  
 Lawrie, Alex., of Calcutta, Merchant.  
 Lawson, C. A., Editor, *Madras Mail*.  
 Leckie, P. C., of Cachar.  
 Leitch, H. J., Merchant, of Calcutta, and Proprietor of Tea Estates.  
 Leigh-Lye, Venerable C. H., late Archdeacon of Bombay.  
 Leighton, G. R., late Bombay Civil Service.  
 Lepage, R. C., late of Calcutta.  
 Leslie, P., late of Cochin, Madras.  
 Lester, Major-General W. C., late Bengal Staff Corps.  
 Lethbridge, Roper, C.I.E., late Press Commissioner of India.  
 Liddell, W. B., Ootacamund, Madras.  
 Lindsay, Colonel Alex., late Madras Army, formerly a Magistrate in Mysore.  
 Livingstone-Learmonth, A., late 3rd Madras L. I.  
 Llewhellin, E. S., of Tirhoot, Bengal.  
 Llewhellin, G. W., of Tirhoot, Bengal.  
 Loch, John C., late Member of Legislative Council, Madras.  
 Lockwood, Colonel J. C., late Indian Cavalry.  
 Longley, C. T., late Madras Civil Service, and Member of the Board of Revenue.
- Lord, R. G., late Deputy-Surgeon-General Bombay Medical Department.  
 Louis, A. H., late of the Bombay Bar.  
 Low, Malcolm, late Bengal Civil Service.  
 Low, G. J., District Superintendent of Police, Oudh.  
 Low, S. P. (of Messrs. Grindlay and Co.)  
 Lucas, Lieut.-General A. W., C.B., Bombay Army.  
 Lushington, H., late Bengal Civil Service, Judge of Allahabad.  
 Lyell, Robert, late of Assam.  
 Lyons-Montgomery, Major-General C., Bengal Staff Corps.
- McAlpine, Kenneth, of Yellagode Estate, Bangalore.  
 McAlpine, Francis, of Calcutta.  
 MacAndrew, Colonel R. C., Bengal Staff Corps.  
 McGillivray, Lieut.-Colonel S. F., late Bombay Staff Corps.  
 MacDonald, J. M., Indigo Planter, Bengal.  
 Macdougall, Lieut.-Colonel A., Bengal, retired list.

- Macfadyen, P., late Member Legislative Council, Madras.  
 MacGregor, Atholl, late Madras Civil Service and Political Resident in Travancore and Cochin.  
 McKellar, Deputy-Surgeon-General E., Bengal, retired.  
 Mackenzie, J. F., Indigo Planter, Tirhoot.  
 Macintire, General A. W., late Madras Artillery.  
 Macintyre, Lieut.-General J.  
 Macintyre, Major-General D., V.C., Bengal.  
 Mackian, J. D., late Bengal Civil Service.  
 Mackintosh, A. B., M.Q., of Calcutta.  
 Maclean, J. M., late Editor *Bombay Gazette*.  
 Macintosh, John, of Calcutta, Merchant.  
 Macgrath, Colonel J. R., Madras Artillery, late Assistant to the Director-General of Telegraphs in India.  
 Macnaghten, Melville, of Nischindapur, Bengal.  
 Macnamara, Surgeon-Major F. N., Bengal Medical Service, retired, late Professor Calcutta Medical College.  
 Macbean, Colonel G. S., late Bengal Staff Corps.  
 Macbean, Lieut.-Colonel Forbes.  
 Macrae, Deputy-Inspector-General of Hospitals A.C., late Bengal Army, Professor Medical College, Calcutta.  
 Magor, R. B., of Calcutta, Merchant.  
 Mainwaring, Major-General R. R., Bengal Staff Corps.  
 Mainwaring, Colonel W.  
 Maitland-Heriot, W., of Howrah.  
 Malleson, Colonel G. B., C.S.I., late Guardian H.H. the Maharajah of Mysore.  
 Mallins, Surgeon H., Indian Medical Service, retired.  
 Maltby, E., late Madras Civil Service, and Member of Council.  
 Man, Lieut.-General, late Civil Employ, British Burmah.  
 Mangles, H. A., late Bengal Civil Service.  
 Mardall, Major-General F., late Madras Staff Corps.  
 Marsh, Colonel E. N.  
 Martin, James A. N., Tea Planter.  
 Martin, Major-General, J.P., retired.  
 Massey, M., late of Calcutta.  
 Master, R. E., late Madras Civil Service, Member of Board of Revenue.  
 Maude, Colonel C., Bombay Staff Corps.  
 Mayne, J. D., late Advocate-General of Madras.  
 Mayne, Colonel A. G., late Cantonment Magistrate, Morar, Mhow, and Secunderabad.  
 M'Cleverty, General W. A., formerly Commander-in-Chief, Madras.  
 M'Mahon, Major-General A. R., late Deputy-Commissioner, British Burmah.  
 Melville, S., late Bengal Civil Service.  
 Melville, J. E. C., late Madras Civil Service.  
 Mewburn, G. F., late Member of the Legislative Council of India.  
 Myles-Sandys, Lieut.-Colonel T., late 2nd Punjab Infantry.  
 Mills, Major-General H., late Bengal Staff Corps.  
 Miller, Surgeon-General J. R., M.D., Bombay Army.  
 Michael, Colonel J., C.S.I., late Secretary to Government of Madras, Military Department.  
 Monson, Major-General D., R.E.  
 Money, Colonel G. Noel, C.B., late Bengal Staff Corps.  
 Money, Lieut.-Colonel E., Tea Planter.  
 Money, E. M., late Bengal Civil Service.  
 Montgomery, Major-General C. L., Bengal Staff Corps.  
 Moore, W. P., Madras Civil Service.  
 Moore, Major-General T. M., late Bengal European Cavalry.  
 Moran, S., partner William Moran & Co., Calcutta.  
 Moran, W., Planter, Motiharee, Chumparun, and Broker (William Moran & Co.), Calcutta.

Morgan, E. C., late Member of the Legislative Council of India.  
 Morgan, Major-General W. D., Bengal Staff Corps.  
 Morland, E. H., late Bengal Civil Service.  
 Morris, H., late Madras Civil Service.  
 Morris, George Gordon, late Bengal Civil Service, Judge of the Supreme Court of Calcutta.  
 Morton, Major-General W. E., R.E., late Bengal.  
 Muller, B.  
 Murdoch, A. W., late of Serajgunge, Bengal.  
 Murdoch, H. H., late of Calcutta.  
 Murray, Major-General W., Madras (retired).  
 Murray, Brigade-Surgeon J., late Madras Army.  
 Murray, Surgeon-General J., formerly Chief, Bengal Medical Department.  
 Mylne, J., Beheea, Shahabad, Bengal.  
 Mylne, D. H., Beheea, Shahabad, Bengal.

Nassau-Lees, Colonel W., late Principal Mohammedan College, Calcutta.  
 Nelson, Major-General J., late Madras Staff Corps.  
 Nelson, J., M.D., Lydiacherra, Cachar, Bengal.  
 Newton, Lieut. R. C., 12th Royal Lancers.  
 Nicholetts, Colonel C. H., late 1st Bengal European Light Cavalry.  
 Nicholls, Rev. W. W., Chaplain, Bengal Ecclesiastical Establishment.  
 Nicoll, Lieut.-General H., Bengal Staff Corps.  
 Nightingale, Lieut.-Colonel C. W., late Superintending Engineer, Punjab.  
 Norman, J. H., late of Calcutta, Secretary of the Sind, Punjab, and Delhi Railway.  
 Nuttall, Major-General J. M., C.B., formerly Commanding at Dibrugarh, Assam.

Oakshott, Eugene.  
 O'Connell, Major-General P., late Madras Engineers.  
 Ogbourne, C. H., Underwriter of Calcutta.  
 Ogilvie, Lieut.-Colonel A. J., late R.A.  
 Ogilvy, John F., East India Merchant.  
 Ord, Lieut.-Col. A. W., late 20th Regiment.  
 Orr, Major A. P.  
 Orr, Robert G., of Madras.  
 Osborn, Colonel H. R., Bengal Staff Corps, retired.  
 Osmand, A. T., late of Macintosh, Burn & Co., Calcutta.  
 Onslow, A. P., late Madras Civil Service.  
 Outram, Sir Francis B., Bart., Bengal Civil Service, retired.

Paget, Major-General, late 5th Punjab Cavalry.  
 Pakenham, Captain G. D., late Bengal Light Cavalry.  
 Palliser, Major-General Sir C. H., K.C.B., late Bengal Staff Corps, and Commanding at Sialkot.  
 Palmer, Surgeon-General W. J., M.D., late Bengal.  
 Parker, the Hon. Sidney, of Dibrugarh, Assam.  
 Parker, J. L., late P.W.D., India.  
 Partridge, Deputy-Surgeon-General S. B., Bengal Army, retired.  
 Partridge, E. F., Proprietor Tea Estates.  
 Paske, Colonel E. H.  
 Paske, Major-General W., late B.S.C. in Civil Employ, Punjab.  
 Paterson, Major-General A.  
 Payne, A. J., Calcutta.  
 Payne, J. H.  
 Pearse, Major-General J. L., late Commissioner, Mysore.  
 Pellew, Fleetwood H., Bengal Civil Service, Commissioner of Dacca.  
 Perkins, Major-General J., late Oudh Commission.



- Perkins, Major-General E. N., late Bengal Staff Corps.  
Phelps, Lieut.-Colonel A. D., late Madras Staff Corps.  
Phillips, Major-General W. C., Retired List.  
Pincott, Frederick, Member of the Anjuman-i-Punjab.  
Pitt-Kennedy, J., late Member of the Legislative Council of India.  
Platts, J. T., Inspector of Schools in the N. W. Provinces and the Central Provinces.  
Playfair, P., Merchant, Calcutta.  
Ponsonby-Watts, Major-General J., Madras Staff Corps.  
Porcelli, V. F., late Opium Department.  
Porter, Colonel J. F., Planter, Bangalore.  
Porter, G. M., Coppah, Mysore, India.  
Power, Major-General E. H., Barrister-at-Law, late Deputy-Judge-Advocate-General of the Madras Army.  
Powles, L. D.  
Powney, E. Penton, late Madras Civil Service, Secretary to Government and Judge of the Sudder Adawlut.  
Praed, W. Mackworth.  
Prendergast, T., late Madras Civil Service.  
Price, Major-General R. H., Bengal, retired.  
Pringle, R. K., late Bombay Civil Service and Commissioner in Sind.  
Probyn, W. G., late Bengal Civil Service and Judge of Saharanpore.
- Randell, Lieut.-Colonel G., retired Madras Army.  
Raverty, Major H. G., Bombay Army (retired), late Political Agent.  
Rawlins, Major-General J. S., late Colonel Commanding 1st Goorkha Light Infantry.  
Raikes, C., C.S.I., formerly Judge of the Suddur Court, N.W.P., Agra.  
Ray, Surgeon-General G. H., late Bengal Army.  
Reade, E. A., C.B., late Bengal Civil Service and Member of the Board of Revenue, N.W.P.  
Refrie, Robert, late of Bombay.  
Reid, H. Stewart, late Bengal Civil Service and Member of the Board of Revenue, N.W.P.  
Reid, Major-General G. R. A. N., late Bengal Army.  
Remfry, John, late Hon. Magistrate, Calcutta.  
Riach, Major-General W. A., Madras Staff Corps.  
Riach, W. A.  
Rice, Major-General W., late Bombay Staff Corps.  
Richards, Lieut.-General S., Bengal Staff Corps.  
Richardson, Robert John, late Bengal Civil Service; Judge of Tirhoot.  
Ricketts, George, C.B., late Bengal Civil Service, Member Board of Revenue, N.W.P.  
Riddell, J., Proprietor Tea Estates, Assam.  
Riddell, W., Singhia Factory, Tirhoot, Bengal.  
Rideout, Colonel J. W., Madras Staff Corps.  
Ridges, E. B., late of Calcutta.  
Rigby, W., late Deputy-Conservator of Forests, Punjab.  
Ringer, Deputy-Surgeon-General T., Bengal Army (retired).  
Roberts, Clarence A., late Madras Civil Service, Judge of Chittoor.  
Roberts, W., Proprietor of Tea Gardens.  
Roberts, E. T., Barrister, late of Calcutta.  
Robertson, General H. L.  
Robinson, Phil., late Professor, Agra College, N.W.P.  
Robinson, P. W., of Calcutta.  
Robinson, Sir W. Rose, K.C.S.I., late Madras Civil Service and Member of Council.  
Robinson, Lieut.-General A.  
Robinson, G. P., Exchange Broker of Bombay.

- Rogers, H. M., late Bengal Civil Service.  
 Rogers, A., late Bombay Civil Service, Member of Council, Bombay.  
 Rogers, Arch., Attorney of the High Court, Calcutta.  
 Rose, Lieut.-Colonel R. Hy., late 2nd Queen's.  
 Ross, A., late Judge, High Court, N.W.P.  
 Ross, Surgeon-General J. T. C., C.I.E., Bengal (retired).  
 Roupell, J. B., late Madras Civil Service, Judge of Coimbatore.  
 Rubie, J. F.  
 Ruddiman, Captain T., late Madras Army.  
 Ryrie, R.  
 Ryrie, W. D., late of Calcutta.  
 Ryves, H.  
 Ryves, Lieut.-Colonel H. E., 18th Bengal Lancers.
- Sampson, Lieut.-Colonel D., late Indian Army.  
 Sanderson, Brigade-Surgeon A., Madras Army.  
 Sanderson, Charles, late Solicitor to the Government of India, Calcutta.  
 Sandwith, Major-General J. P., late Bombay Staff Corps.  
 Sandys, Teignmouth, late Judge of Bhagalpoor, Bengal.  
 Saunders, J. O'B., Proprietor *Englishman*, Calcutta.  
 Saunders, R. F., late Bengal Civil Service, and Judge, N.W. Provinces.  
 Scoble, A. R., Barrister, Q.C., late Advocate-General, Bombay.  
 Seton, George, late of Calcutta.  
 Seton, G., Merchant, of Calcutta.  
 Seton-Karr, W. S., late Bengal Civil Service, and Foreign Secretary, Government of India.  
 Shaw, Colonel E. W., late Indian Army.  
 Shearin, E., late Merchant, Calcutta.  
 Sherer, Major-General J. F., late Deputy-Commissioner, Assam.  
 Shewell, Major-General H., late Judge-Advocate-General, Bombay.  
 Silver, Lieut.-General A. C., late Secretary to Government in the Military Department, Madras.  
 Sim, J. D., C.S.I., retired Madras Civil Service, late Member of Council, Madras.  
 Simon, F., C.E., late Executive Engineer, Bengal Irrigation Department.  
 Simpson, C. F. R., of Tirhoot, Bengal.  
 Simpson, Clement, late of Madras.  
 Skinner, C. B., late Skinner and Co., Calcutta.  
 Skinner, R. M., late Bengal Civil Service, and Judge Kishnaghur, Bengal.  
 Smallman, H. F., Executive Engineer, P.W.D., Punjab.  
 Smallwood, A., Merchant, of Calcutta, and Proprietor of Tea Estates.  
 Smith, J. G. (Ritchie, Stewart and Co.), Bombay.  
 Smith, William, C.E., late Superintending Engineer, P.W.D., J.P., and Hon. Magistrate, Calcutta.  
 Smithe, J. Doyle, late H.M.T.S.  
 Smyly, Major-General J. B., late Bengal Staff Corps, and Deputy Commissioner, Punjab.  
 Snow, Lieut.-Colonel P. F., late Madras Army.  
 Spink, T. W., of Calcutta.  
 Spink, W., late Member Legislative Council of Bengal.  
 Stafford, Major-General J. F., late Bengal Staff Corps.  
 Stafford, Colonel P. P. L., late Madras Staff Corps.  
 Stafford, Major-General W. J. F., C.B., late Bengal Staff Corps, formerly commanding in Assam.  
 Stanford, A. L., late of Calcutta.  
 Stanford, G., late Hon. Magistrate and J.P., Calcutta.  
 Steele, Robert, of Calcutta, Merchant.  
 Stevens, P., Madras, Banker, retired.  
 Stevenson, John, of Midnapore, Bengal.  
 Steward, John, Member of the firm of Jardine, Skinner, and Co., Calcutta.

- Stewart, Lieut.-General C. T., Royal Bengal Engineers.  
Stewart, Robert, late Member of Legislative Council of India.  
Stewart, Lieut.-Colonel J.  
Stewart, Major A. H., late 6th Dragoons.  
Stone, A. F., formerly Tea Planter, Assam.  
Studd, E. J. C., of Dhuli, Tirhoot.  
Studd, H. M., of Dhuli, Tirhoot.  
Sutherland, H. H., late Member of Legislative Council of India.  
Sutton, Major R. N., late 8th Hussars, Rawul Pindi.  
Sweet, Colonel T., late Madras Staff Corps.  
Swiney, Major-General George, retired, B.S.C.
- Tait, J. M., F.S.S., F.R.G.S., late of Calcutta.  
Tayler, W., late Bengal Civil Service and Commissioner of Patna.  
Taylor, J. S., Tea and Indigo Planter.  
Taylor, Ralph N., late Madras Staff Corps.  
Taylor, Lieut.-Colonel J. B., Madras Staff Corps, Cantonment Magistrate, St. Thomas's Mount.  
Taylor, Major-General H. D., retired.  
Taylor, Commander A. D., late Superintendent Marine Surveys, Calcutta.  
Taylor, Andrew, Uncov. Civil Service.  
Templer, Lieut. C. B., late Indian Navy.  
Ternan, Major-General A., Bengal Staff Corps and late Deputy Commissioner, Jaloun, N.W.P.  
Theobald, Surgeon-General J. R., Retired List, Madras.  
Thomas, Major-General G. E., late Bombay Staff Corps.  
Thomas, E. B., late Madras Civil Service.  
Thomas, G. P., Civil Engineer on Staff of East Indian Railway.  
Thomas, E. C. G., Madras Civil Service, Retired.  
Thomas, Theodore, Barrister-at-Law, Lucknow.  
Thompson, F., Bengal Civil Service, retired, late Judge N.W. Provinces.  
Thompson, Lieut-General T., late Madras Staff Corps.  
Thompson, Major-General G. H., late Bengal Staff Corps.  
Thompson, Major-General D., R.E.  
Thomson, Colonel G. C., late Bengal Staff Corps.  
Thomson, J., Chairman, Agra Bank.  
Thomson, W., late of Madras.  
Thomson, Walter, Zemindar Beheea, Shahabad, Behar.  
Thorburn, E. A., late of Thomas and Co., Calcutta.  
Thorp, Surgeon-General E. C., retired, formerly Civil Surgeon in Assam.  
Thorp, H., Indigo Planter, Moorla Valley, Segowlie, Chumparum, Bengal.  
Tickell, Lieut.-Colonel J., late Indian Army.  
Tod, E. P., Tea Planter, Terai.  
Todd, J. E., Melang Estate, Upper Assam.  
Todd, Lieut.-Colonel F. W., Madras Army (retired).  
Tottenham, C.  
Touch, Colonel J. G., Madras Staff Corps.  
Trench, P. Chenevix, late Bengal Civil Service.  
Trimnel, G. F., Deputy Surgeon-General.  
Tronson, Captain J., Indian Navy.  
Trotter, C., late Bengal Civil Service.  
Tulloch, Major-General A., Retired List.  
Tulloch, Major R. H. D., Bengal Army, retired.  
Turner, A. M. (Turner, Morrison, & Co.), Calcutta.  
Turner, H. J. C., of Grindlay & Co., Calcutta.  
Turner-Jones, Colonel G., Bengal Infantry.  
Turner, W. C., late Bengal Civil Service, and Judge of Agra.  
Twynam, Major-General E. S. L., late Bengal Staff Corps.  
Tye, Ernest, of Budderpore, Cachar, late Hon. Magistrate and J.P.

Tyrwhitt, Major-General Edmund, Bengal Army (retired), late Inspector-General of Police, N.W.P. and Oudh.

Urmston, Colonel H. B., late Deputy Commissioner, Punjab.

Vaillant, L. A., late of Assam.

Van Gelder, J., late of Calcutta.

Vibart, Colonel A. J., late Bombay Army.

Vibart, Lieut.-Colonel H.M., R.E. (Madras).

Voss, C. W., Messrs. Young and Voss, Parla Kimidi, Ganjam District, Madras Presidency.

Voysey, Chas., B.A.

Vyse, Captain C. F., Bengal Staff Corps.

Vyse, Griffin W., late Field Engineer in Afghanistan.

Waddington, Major-General H. F., Bengal, retired, late Deputy Commissioner, Central Provinces.

Walker, Colonel R. J., Bengal Retired List.

Waller, Dr. Walter K., late of Calcutta, Fellow of the Calcutta University.

Wallich, G. C.

Wallich, Surgeon-Major, M.D.

Wallis, C. F., of Calcutta.

Wallis, H. A., of Calcutta.

Wallis, W. R., late of Calcutta.

Walsh, Colonel T. P. B., late Cantonment Magistrate of Ahmednagar, and J.P., Bombay.

Walter, General J. M.

Ward, J. D., late Bengal Civil Service, formerly Judge at Chittagong.

Warden, A. B., late Judge of H.M. High Court of Judicature, Bombay, and Bombay Civil Service.

Warren, James, late Hon. Magistrate, Assam.

Waters, Chas., late Principal Bangalore Central College.

Watkins, J. F., late of Calcutta.

Watson, J. P., Bombay.

Watson, W. L., late of Calcutta, Merchant.

Watson, Major-General J. T., Staff Corps.

Weston, H. J., Bengal Ice Manufacturing Co., Limited.

Westropp, Major-General R. M., late Bengal Army.

Wheeler, Colonel H. J., late Bengal Staff Corps

White, Lieut. F. J., Madras Retired List, late Deputy Assistant Commissary, Bangalore.

White, Brigade-Surgeon J. Berry, Bengal Ret., late Civil Surgeon, Assam.

Whitmore, C. Algernon.

Whittaker, Colonel B. R., late Bombay Army.

Wigram, Percy, late Bengal Civil Service.

Wilcox, Colonel G. R. C., late Bengal Army.

Wilkins, General St. Clair, R.E.

Wilkins, G. D., late Bengal Civil Service and Circuit Judge, Calcutta.

Wilkinson, Captain C. J., late P. & O. Superintendent, Calcutta.

Wilkinson, F. G., of Tirhoot, Bengal.

Wilkinson, M. C., late Merchant, Bombay.

Williams, J., late Assistant to the General Superintendent for the suppression of Thuggee and Dacoity.

Williams, Colonel J. M., retired B.S.C.

Williamson, C., late of Calcutta.

Williamson, C. E., late of Seleng, Assam.

Williamson, Geo., late of Calcutta.

Wilmot, C. W., late Deputy Commissioner, Bengal.

Wilson, James, Proprietor and late Editor *Indian Daily News*, Calcutta.

- Wintle, Major-General E. H. C., late Magistrate and Judge, Small Cause Court,  
Dum Dum, near Calcutta.  
Wiseman, James.  
Wood, W. C.  
Wood, Major-General J. C., retired Bengal Staff Corps.  
Woodhouse, Major-General R. R.  
Woodhouse, Colonel H. A., Bombay Staff Corps.  
Wordie, J. C., Proprietor of Tea Estates.  
Worke, L., Merchant, Calcutta.  
Wright, T. H., Assistant Engineer, P.W.D., N.W.P.  
Wright, Surgeon-Major D., Retired List, late of the Residency, Nipal.  
Wright, H. G., late Collector of Salt Revenue, Punjab.  
Wright, Surgeon F. W., 33rd Regiment, Bengal Native Infantry.  
Wyatt, G. Neville, Indigo Planter, Tirhoot.  
Wyllie, James, East India Merchant.  
Wyndowe, Deputy Surgeon-General S. J., Madras, retired.
- Yeld, Surgeon H. P., 15th Bengal Cavalry.  
Young, Major-General, C.B., R.E., Bengal, retired.  
Yule, Sir G. U., K.C.S.I., C.B., late Bengal Civil Service, and Member of the  
Supreme Council of India.
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